

Parish of Mendlesham Neighbourhood Development Plan 2016 - 2031

Report by Independent Examiner

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Summary and Conclusion

1. The Parish Of Mendlesham Neighbourhood Development Plan 2016 - 2031 has clear social, environmental and business objectives.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that Policy MP1 is modified to include the view expressed in the supporting text in paragraph 3.20 that it is difficult to put a preferred maximum number of dwellings in any one development and that each proposal will need to be judged upon its merits.
3. To have regard to national policy, I have recommended that the word 'normally' is inserted at the beginning of the first paragraph in Affordable Housing Policy MP2 and that the local connection criteria is in accordance with Mid Suffolk District Council's Local Connection Criteria. This will ensure flexibility within the policy to allow for the ability to give preference to people with urgent housing need.
4. Policy MP4 supports service type business and craft activities. I have no clear evidence before me to justify restricting small business hubs to such uses. Therefore, I have recommended deletion of this reference.
5. I have recommended the deletion of the requirement for a detailed context appraisal in Policy MP6. I consider the details required in the context appraisal, are onerous additional requirements that are not justified by robust evidence.
6. I have recommended modification to Policy MP7 to include reference to current MSDC standards for open space provision.
7. I have recommended modification to the wording of Policy MP8 to specify that all new dwellings and business buildings shall incorporate a suitable infrastructure to enable high speed Broadband, rather than being required to provide a suitable level of service, as the level of service is determined by the Broadband provider.
8. I have recommended modification to the detailed wording of Policy MP9 to state that there is a restriction on development on Local Green Spaces other than in very special circumstances. This has regard to policy in the National Planning Policy Framework on Local Green Spaces.
9. I have recommended modification to Policy MP10 by the addition of a sentence at the end explaining that those sites which are also identified as Local Green Space in this Plan have an additional level of protection under Policy MP9.
10. I have recommended other modifications to policies in the Plan, primarily in the interest of clarity and precision, to provide a practical framework for decision making.

11. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Parish of Mendlesham Neighbourhood Development Plan 2016 - 2031 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Parish of Mendlesham Neighbourhood Development Plan 2016 - 2031, as modified by my recommendations, should proceed to Referendum.**

Introduction

12. I was appointed as an independent Examiner for the Parish of Mendlesham Neighbourhood Development Plan 2016 - 2031 in July 2016.
13. On 17 June 2013 Mid Suffolk District Council (MSDC) approved that the Mendlesham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covers the whole of the parish of Mendlesham.
14. The qualifying body is Mendlesham Parish Council. The Plan has been prepared by the Mendlesham Neighbourhood Plan Committee comprising members from both the Parish Council and local residents. The Plan covers the period 2016 – 2031.

Legislative Background

15. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
16. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

17. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

EU Obligations

18. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
19. MSDC has prepared a Strategic Environmental Assessment (SEA) Screening Determination (March 2016), within which it has stated: *it is unlikely there will be any significant environmental effects arising from the draft Neighbourhood Development Plan that were not covered in the Sustainability Appraisals of the Mid Suffolk Core Strategy and Mid Suffolk Core Strategy Focused Review.* The three consultees have confirmed that they concur with this determination.
20. Based on the Screening Determination and consultee response, I consider that it is not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
21. As regards a Habitats Regulation Assessment (HRA); MSDC states in the Screening Determination that the Neighbourhood Plan *is unlikely to have a substantial effect on the identified network of protected sites. A Habitat Regulations Assessment Screening Report was carried out as part of the Mid Suffolk Core Strategy. This report concludes that the Mid Suffolk Core Strategy is unlikely to have an adverse impact on any of the identified sites within approximately 20km of the boundary of the District.*
22. *Any development proposal that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment at the project application stage.*

23. The consultees have accepted the findings of the Screening Determination. On the basis of the Screening Determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.
24. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

25. *The National Planning Policy Framework (2012) (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. *The Planning Practice Guidance (2014) (PPG)* provides Government guidance on planning policy.
26. Mendlesham Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Mendlesham Neighbourhood Development Plan Area comprises the saved policies in the Mid Suffolk Local Plan (1998); The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006); The Mid Suffolk Core Strategy Development Plan Document (2008); and The Mid Suffolk Core Strategy Focused Review (2012).
27. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.

MSDC has completed initial consultation on a new combined Local Plan document with Babergh District Council. The documents include a Core Strategy Focused Review, a Development Management Plan Document and a Strategic Site Allocations and Designations Document. The timetable for the plan is currently being reviewed.

The Neighbourhood Plan Preparation

28. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
29. A Neighbourhood Planning Committee was set up in December 2012. The initial consultation process included questionnaires, (Household, Youth and Business), distributed to homes and businesses.

30. Innovative measures of consultation included engaging school children in a village design exercise and attending church to inform the local congregation. In addition, a stall at the annual Mendlesham May Fayre gave residents the opportunity to ask questions.
31. The Consultation period on the pre-submission draft of the Plan ran from 30 October 2015 to 21 December 2015. Consultation was done through ecommunications and also making paper copy available at key locations. Consultation included a drop in morning at the Mendlesham Old School Room.
32. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. There has been an enormous amount of consultation and I am impressed by the innovative methods of communication. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
33. MSDC publicised the submission Plan for comment during the publicity period between 25 July 2016 and 16 September 2016 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of eight responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
34. Some responses suggest additions and amendments to policies, text and supporting documents. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.
35. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

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36. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in

accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

37. For ease of reference, I have used the same headings and policy titles as those in the Plan.

Vision and Objectives

38. The vision for Mendlesham initially defined three objectives. These have been developed into specific objectives categorised as social, environmental and business objectives and linked to policies in the Plan.

The Mendlesham Neighbourhood Plan Area

39. This section provides a brief description of the Parish and explains the challenges facing the Parish together with the strengths, opportunities, weaknesses and threats identified by local people. This provides a helpful background to the Plan.

Housing

POLICY MP1 Housing

40. MSDC has started work on a Joint Local Plan with Babergh District Council. In January 2015 the *Local Plan: Core Strategy Focused Review – Objectively Assessed Need and Rural Growth Policy Issues & Options – early stage consultation* was published. This document states at paragraph 2.9 that the existing Mid Suffolk Core Strategy Focussed Review is based upon meeting an objectively assessed housing need of around 400 homes per annum over a 15 year. *Further household and population projections evidence since that period indicate that this figure could fall short of meeting the level of demand from the full local objectively assessed housing need. Whilst the Council has not formally identified an updated full objectively assessed need figure at this time, it is considered prudent, at an early stage, to consider options for addressing a future objective need.*
41. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging Local Plan. There is no legal requirement to test the Neighbourhood Development Plan against emerging policy although guidance in the Planning Practice Guidance advises that 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.

42. Mendlesham is identified as one of ten Key Service Centres in the existing Core Strategy. Policy FC 2 in the existing Core Strategy Focused Review seeks to deliver 750 additional dwellings in total in these Key Service Centres over a 15 year period from April 2012. Whilst Core Strategy Policy CS2 restricts development in the countryside to defined categories, it is clear that Policy FC2 in the existing Core Strategy Focused Review seeks 450 of the 750 dwellings to be delivered on greenfield sites.
43. Policy MP1 in this Neighbourhood Plan seeks a minimum of 75 new homes based on an equal division of the 750 identified in the Core Strategy Focused Review between the Key Service Centres. It does not take into consideration any reduction for housing completions since April 2012.
44. From the evidence before me, I consider the indicative housing figure of a minimum of 75 dwellings provides me with the best guidance on total housing numbers for the Mendlesham Parish area. In addition, Policy MP1 does not prevent the development of further additional dwellings that may be required as part of the emerging Joint Local Plan.
45. Paragraph 185 in the NPPF is clear that outside the strategic elements, *neighbourhood plans will be able to shape and direct sustainable development in their area*. National policy emphasises that development means growth.
46. Policy MP1 does not allocate specific development sites for housing. New housing is generally supported within the village settlement boundary. Outside and immediately adjacent to the village boundary, small sites of 20 or less dwellings will be supported.
47. I note local support for small scale new developments to retain the character as a compact rural village. I have visited Mendlesham and recognise this character. The questionnaire results show overwhelming support for small scale and dispersed developments rather than large estate development.
48. Supporting text to Policy MP1 in paragraph 3.20 states: *Residents preference is for sites of circa 10-20 dwellings; however it is difficult, albeit impossible, to put a preferred maximum number of dwellings in any one development. Each proposal will need to be judged upon its merits identifying clearly what benefits it will bring to the village.*
49. It is clear that paragraph 3.20 interprets a limit of 20 dwellings per site in a more flexible manner than is written in Policy MP1. To ensure that there is no internal conflict in the Plan, I recommend modification to Policy MP1 to reflect the supporting text in paragraph 3.20 with regard to judging each proposal on its merits.
50. I recommend the inclusion of 'relevant' before 'policies' in the second paragraph of Policy MP1 and before 'planning policies' in the third paragraph; in the interest of precision.

51. The last paragraph of Policy MP1 refers to small scale development in the open countryside not adjacent to the village boundary. It refers to support for such developments *where they properly satisfy sustainability criteria*. Supporting text in paragraph 3.24 explains that development in such areas will need to demonstrate clearly that they can be considered as sustainable development. Supporting text in paragraph 3.25 explains what sustainable development for Mendlesham involves.
52. From my reading of the Plan, I interpret the last paragraph in Policy MP1 as allowing small scale development in the open countryside not adjacent to the village boundary if it satisfies the criteria in the supporting text in paragraph 3.25. My concern is that paragraph 55 in the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. The special circumstances identified in paragraph 55 in the NPPF are not found in paragraph 3.25 in the Plan. To have regard to national policy, I recommend the inclusion of reference to paragraph 55 in the NPPF in the list of criteria in paragraph 3.25 in the Plan. In the interest of precision, I recommend cross reference to paragraph 3.25 in Policy MP1.
53. Subject to the modifications as proposed above, I consider that Policy MP1 has regard to national policy with respect to sustainable growth. It contributes to the achievement of sustainable development and is in general conformity with strategic policy. This meets the Basic Conditions.

54. **Recommendation: to meet the Basic Conditions:**

I recommend modification to Policy MP1 to read as follows:

A minimum total of 75 ** new homes over the next 15 years is supported, however any significant increase to this figure will need to demonstrate clearly that the existing local services infrastructure will be able to cope or, if not, then appropriate measures will be provided as part of the development proposals.

Proposals for new dwellings will be supported within the existing Mendlesham village settlement boundary subject to other relevant policies in this plan and those of the district and national bodies.

Outside of the existing Mendlesham village boundary, individual development proposals, that are immediately adjacent to that boundary, to develop small sites of sustainable new homes will be supported subject to their meeting the relevant planning policies of Mid Suffolk District Council and Mendlesham Neighbourhood Plan. The local community prefers small sites to provide 20 dwellings or less. Each proposal will be judged upon its merits.

Small scale development of sites that are not within or adjacent to

the existing Mendlesham village boundary will be supported where they properly satisfy sustainability criteria listed in paragraph 3.25 of this Plan.

**** Base figure of 620 homes as at 1 January 2014**

I recommend the inclusion of the following in paragraph 3.25: having regard to paragraph 55 in the National Planning Policy Framework for the location of new housing.

Policy MP2 Affordable Housing

55. MSDC has raised concern that Policy MP2 would severely compromise their ability to house those in most housing need as defined under the Housing Act 1996. Section 167 of that act sets out certain groups of people who should be given reasonable preference. To have regard to national policy, I recommend that the word 'normally' is inserted at the beginning of the first paragraph. This will ensure flexibility within the policy to allow for the ability to give preference to people with urgent housing need.
56. There is robust evidence to support the need for affordable housing for local people and people with a strong local connection. Nevertheless, the criteria for local connection in Policy MP2 are more specific than that in the Council's Gateway to Homechoice Allocation Policy (2016) and do not correspond to the criteria in the Council's Local Connection Criteria for Local Housing Needs Schemes which is used by MSDC as current custom and good practice. I am concerned that the alternative criteria in Policy MP2 would not provide a practical framework for decision making when it comes to the provision of affordable housing. This would not have regard to national policy. Therefore, in these circumstances, in the interest of clarity I recommend modification to Policy MP2 to reflect the MSDC Local Connection Criteria.
57. Subject to the modification proposed above, I consider that Policy MP2 meets the Basic Conditions.
58. **Recommendation: to meet the Basic Conditions;**

I recommend modification to the first paragraph in Policy MP2 to read as follows:

Normally any affordable housing within the parish should be available, in the first instance, to people who can demonstrate local connections (such as family origin or current residency), in accordance with Mid Suffolk District Council's Local Connection Criteria.

Policy MP3 Affordable Housing

59. MSDC affordable housing policies are found in The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006). Policy H4 seeks up to 35% of dwellings to be affordable dwellings on appropriate sites. For Mendlesham, this would be on sites of 5 dwellings or more. The supporting text at paragraph 3.9 allows for alternative off-site provision or commuted payments.
60. The Court of Appeal issued a judgment on 11 May 2016 on the Secretary of State's appeal against a previous High Court judgment of 31 July 2015 upholding a joint application by West Berkshire District Council and Reading Borough Council which challenged the Secretary of State's Written Ministerial Statement of 28 November 2014 and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions.
61. As the High Court judgment from which the Order originated has now been overturned, the policies in the Written Ministerial Statement of 28 November 2014 should once again be considered as national planning policy. Extracts from the statement below explain the national policy regarding developer contributions and affordable housing.

Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.

For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.

These changes in national planning policy will not apply to Rural Exception Sites.

62. The NPPF states at paragraph 210 that: *Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.* I consider this national policy on planning obligations for affordable housing and social infrastructure contributions to be a material consideration in the determination of planning permission other than in accordance with Policy in the development plan. In this instance, I am referring to the 5 dwelling threshold in Policy H4 in The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006). MSDC has confirmed in representations on the Submission Plan that the threshold of 10 dwellings is now the appropriate threshold.

63. Paragraph 173 in the NPPF states: *'Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.'*
64. Policy MP3 seeks affordable housing contributions from housing developments of more than ten dwellings and allows for off-site provision or financial contributions. In addition, it takes into consideration the viability of developments. Policy MP3 has regard to national policy and is in general conformity with strategic policy where it seeks affordable housing contributions from housing developments. Policy MP3 meets the Basic Conditions.

Business - the rural economy

Policy MP4 Business

65. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. At paragraph 28 it states: *planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*
66. The Core Strategy Focused Review seeks to significantly increase the number of jobs in appropriate locations.
67. Supporting text to Policy MP4 in paragraph 4.11 states: *the Mendlesham Neighbourhood Plan would support sustainable small scale office and administrative type development, favouring brownfield sites in the first instance.* In the interest of providing a practical framework for decisions making, I recommend deletion of this sentence as it reads as a policy requirement and because the favouring of brownfield sites has not been translated into policy in Policy MP4.
68. Policy MP4 supports *service type business and craft activities*. I have no clear robust evidence before me to justify restricting small business hubs to such uses. Therefore, I recommend deletion of this reference.
69. Although Policy MP4 seeks to ensure that small business hubs conform to other policies in the Plan, there is no specific policy in the Plan regarding neighbour amenity. This is usually one of the main concerns if businesses are to be located in residential areas. One of the core principles in the NPPF is that *planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*. Having regard to this core principle and in the absence of a specific policy in the Plan with regard to neighbour amenity, I recommend modification to the first paragraph in Policy MP4 to include reference to neighbour amenity.

70. Subject to my recommended modifications, Policy MP4 meets the Basic Conditions, particularly where it supports the rural economy by taking as positive approach to sustainable new economic development.

71. **Recommendation: to meet the Basic Conditions:**

I recommend modification to Policy MP4 to read as follows:

Proposals to develop small business hubs within the parish will be supported where they do not compromise the rural setting or adversely affect neighbour amenity.

Change of use from residential to business will be supported for suitable developments within the wider parish where they provide additional work opportunities and do not compromise the rural setting or adversely affect neighbour amenity.

I recommend the deletion of the last sentence in Paragraph 4.11.

Design

72. The NPPF at paragraph 58 requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Policy MP5 Historic environment

73. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.

74. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

75. As regards non-designated heritage assets, the NPPF states at paragraph 135: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

76. Policy CS5 in the Core Strategy seeks to maintain and enhance the historic environment.
77. The core of the village of Mendlesham is a Conservation Area and there are 45 listed buildings in the Parish. Policy MP5 seeks to protect the historic environment. It seeks to ensure that new development has a clear understanding of the rural context, with reference to a detailed landscape and visual assessment in supporting document SD19. It has regard to national policy and is in general conformity with strategic policy. Policy MP5 meets the Basic Conditions.
78. Paragraph 5.9 states that a list of non-designated heritage assets will be developed as an addendum to the Plan. Unfortunately, a Neighbourhood Development Plan cannot identify non-designated heritage assets. It is for local authorities to identify such sites. Therefore, I recommend the deletion of paragraph 5.9.
79. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 5.9.**

Policy MP6 Building design

80. One of the purposes of neighbourhood plans is to set policies for development rather than to make the development process more onerous for developers. Design and Access Statements are already required for certain development proposals as outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. They are not required for extensions to dwellings and some other small scale developments. The required content of Design and Access Statements is specifically outlined in Part 3 of this Order.
81. Whilst local planning authorities can request local additional information to be submitted with planning applications, PPG states that local planning authorities should take a proportionate approach to the information requested in support of planning applications.
82. The request for a detailed context appraisal may not be proportionate for small scale development. I consider the details required in the context appraisal, as outlined in supporting text in paragraphs 5.12 – 5.15, are onerous additional requirements that are not justified by robust evidence. In this respect, I recommend the deletion of these paragraphs. For the same reasons, I recommend modification to the second bullet point in Policy MP6 to remove the requirement for a context appraisal.
83. In the third bullet point, *contextual design shall be proportionate to the proposed development* is a vague concept which does not provide a practical framework for decision making. Therefore, I recommend the deletion of this bullet point.

84. A number of the supporting paragraphs to Policy MP6 have been written as policy in themselves and their policy requirements are not re-iterated in Policy MP6. This creates internal conflict within the Plan, which does not provide a practical framework for decision making. In this context, I recommend the deletion of the last sentence in paragraph 5.16, paragraph 5.17 and paragraphs 5.26 - 5.28.
85. Subject to my proposed modifications, I consider that Policy MP6 meets the Basic Conditions, particularly in that it has regard to Section 7 in the NPPF, where it seeks to deliver high quality design and promote or reinforce local distinctiveness.
86. **Recommendation: to meet the Basic Conditions:**
- I recommend modification to Policy MP6 to read as follows:**
- This policy aims to encourage new development to respect and fit in with the built form and character of Mendlesham. Development will be supported where:**
- **All building design and materials used shall respond (and be sympathetic to) the local character of Mendlesham, creating a sense of place appropriate to its location and adjacent buildings.**
 - **The selection of proposed materials should be directly influenced by the surrounding context of Mendlesham.**
- I recommend the deletion of paragraphs 5.12-5.15, the last sentence in paragraph 5.16, paragraph 5.17 and paragraphs 5.26 - 5.28.**

Policy MP7 Green areas

87. The NPPF sees the planning system as playing *an important role in facilitating social interaction and creating healthy, inclusive communities*. Policy MP7 seeks the provision of functional green areas. Whilst this contributes to the social role of sustainable development, the practical implementation of this policy is unclear as 'suitable provision of' is not quantified. To provide a practical framework for decision making, I recommend modification to the first paragraph in Policy MP7 to include reference to current MSDC standards for open space provision.
88. As regards the third paragraph in Policy MP7, I do not consider the maintenance of green spaces to be a development and land use policy matter. Therefore, I recommend the deletion of this paragraph.
89. Following on from my reasoning under Policy MP6, I consider paragraph 5.29 is written as policy, which is not translated into Policy MP7. Thus, paragraph 5.29 should be deleted. As I have recommended the deletion of

reference to a Context Appraisal, I recommend the deletion of paragraph 5.30 in this respect.

90. Subject to the proposed modifications above, I consider that Policy MP7 meets the Basic Conditions.

91. **Recommendation: to meet the Basic Conditions:**

I recommend modification to Policy MP7 to read as follows:

Development will be supported where proposals for new housing include a suitable provision of, or contribution towards, functional green areas for local residents recreational purposes in accordance with the current Mid Suffolk District Council's standards for open space provision.

Such green area must maintain the rural character of the parish and respect its linkages to the local countryside.

I recommend the deletion of paragraphs 5.29 and 5.30

Sustainable Development

92. Whilst there is not a specific policy on sustainable construction methods in the Plan, they are referred to in paragraphs 5.31 to 5.33.

93. In a Written Ministerial Statement of 25 March 2015 the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.

94. The Government published a command *paper Fixing the foundations: Creating a more prosperous nation* in July 2015. It announced that: *The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.*

95. Having regard to national policy and guidance, I recommend that paragraphs 5.31 to 5.33 are deleted.

96. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraphs 5.31 to 5.33.**

Policy MP8 High speed broadband

97. The NPPF emphasises that advanced high quality communications infrastructure is essential for sustainable economic growth. There is a recognised need for faster broadband to support local residents and businesses in the Parish. I note that there has been partial high speed Broadband provision within the parish.
98. Policy MP8 seeks the provision of high speed Broadband for all development proposals. Whilst this is a laudable aim, a developer cannot be held to provide a 'suitable level of service' as connection speeds are dictated by the internet infrastructure provider. Rather, a developer should be required to incorporate a suitable infrastructure to enable high speed Broadband. Therefore, I recommend such a modification to Policy MP8 and have suggested suitable wording.
99. It must be recognised that the definition of development covers a wide range. It is clear from the first paragraph in Policy MP8 that this policy should specifically relate to dwellings and business buildings. In the interest of clarity, I recommend such a reference in the second paragraph.
100. Subject to the modifications proposed above, I consider that Policy MP8 provides a practical framework for decision making and contributes towards sustainable economic growth. This meets the Basic Conditions.
101. I assume 'New Policy' in the title of Policy MP8 is an editing error.
102. **Recommendation: to meet the Basic Condition;**

I recommend modification to Policy MP8 to read as follows:

The provision of high speed broadband is seen as essential for all development proposals (dwellings and businesses) in the Parish. All new dwellings and business buildings shall incorporate a suitable infrastructure to enable high speed Broadband.

Visually important open space and views

103. Paragraphs 6.1, 6.2 and 6.5 are supporting text for Policy MP7, with regard to open space provision. In the interest of providing a practical framework for decision making, I recommend that these paragraphs accompany Policy MP7. I suggest that Policy MP7 is moved to this section, but this is essentially an editing matter.
104. Paragraphs 6.3, 6.4 and 6.6 are written as policy requirements and there is not a corresponding policy. In the interest of precision and to avoid internal conflict within the Plan, I recommend the deletion of these paragraphs.

105. Figure 6.1 identifies 19 Principal Views and cross refers to Supporting Document SD19. In that document there are only 12 views identified. It is unclear from the representations before me the basis upon which the additional identified Principal Views in Figure 6.1 have been assessed. Under these circumstances, in the interest of precision, I recommend modification to Figure 6.1 to identify views only contained in Supporting Document SD19.
106. The Proposals Maps identify three sites as 'principal views into the village/important open gateway sites'. Supporting Document SD19 does not mention one of these sites, being the site to the east of the village. In addition, by placing green lines around these three sites on the Proposal Maps, there is an implication that these sites are restricted from any form of development. Whilst Supporting Document SD19 identifies views of high visual sensitivity across two of the identified sites, there is no policy to support a complete restriction on development on these sites. Therefore, in the interest of precision, I recommend the deletion of the green lines around these sites from the Proposals Maps.
107. **Recommendation: to meet the Basic Conditions;**
- I recommend that paragraphs 6.1, 6.2 and 6.5 are incorporated into supporting text for Policy MP7.**
- I recommend the deletion of paragraphs 6.3, 6.4 and 6.6.**
- I recommend modification to Figure 6.1 to identify views only contained in Supporting Document SD19.**
- I recommend the deletion of 'principal views into the village/important open gateway sites' from the Proposals Maps.**

Policy MP9 Local green spaces

108. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.* Paragraph 78 states: *Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.*
109. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- where the green space is in reasonably close proximity to the community it serves;*

where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

where the green area concerned is local in character and is not an extensive tract of land.

110. I have visited the areas proposed to be designated as Local Green Spaces. It is clear that sites identified in Policy MP9 meet the criteria for designation.
111. The detailed wording of Policy MP9 does not have regard to the restriction on development on Local Green Spaces other than in very special circumstances. To have regard to the NPPF, I recommend modification to Policy MP9 in this respect.
112. I have been provided with a map identifying the Baptist Church (ex) cemetery at Mendlesham Green which had been omitted from the Proposals Maps and Community Assets Maps. In the interest of precision, I recommend that this site is identified on these maps.
113. It is not easy to identify the exact boundaries of the Local Green Spaces on the Proposals Maps. In the interest of precision, I recommend that Proposal Map inset OS based maps are included in the Plan at an appropriate scale that ensures the precise boundaries of the Local Green Spaces are clearly identifiable.
114. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy MP9 to read as follows:**

The following areas as identified on the [proposals maps] (ref: Section [] of this document) are designated as Local Green Space. Development on designated Local Green Space will only be permitted in very special circumstances.

- **Playing fields at Mendlesham village**
- **Children's play area at Mendlesham village,**
- **Church graveyards at St. Mary's, Mendlesham,**
- **The Mendlesham Millennium Wood,**
- **Allotments at Mendlesham Green,**
- **Baptist Chapel (ex) cemetery at Mendlesham Green.**

I recommend that Proposal Map inset OS based maps are included in the Plan at an appropriate scale that ensures the precise boundaries of the Local Green Spaces are clearly identifiable.

I recommend that the Baptist Chapel (ex) cemetery at Mendlesham Green is identified as a Local Green Space on the relevant Proposals Maps and the Community Assets Map (Figure 2.4).

Policy MP10 Open spaces

115. The NPPF seeks to conserve and enhance the natural and built environment. Core Strategy Policy CS5 seeks to *maintain and enhance the environment, including the historic environment and retain the local distinctiveness of the area*.
116. Policy MP10 seeks to protect the Visually Important Open Spaces identified in Local Plan Policy SB3. In the interest of precision, I recommend that they are correctly identified as such on the Proposals Maps 2.2 and 2.3 and on Figure 2.6, as there is some difference with the Local Plan Inset Map.
117. Paragraph 6.16 is not correct where it states that supporting document SD19 forms part of the Proposals Map. Therefore, I recommend modification to this paragraph to state that the Visually Important Open Spaces are identified in SD19 and on the Proposals Maps.
118. Not all development proposals will have any effect on Visually Important Open Spaces or on views of the Conservation Area, either in a positive or negative way. In the interest of precision, I have recommended modified wording in this respect.
119. The Local Green Spaces comprising the playing fields at Mendlesham village, the children's play area at Mendlesham village and the Church Graveyards at St. Mary's, Mendlesham, either are situated within, or partially within, areas defined as Visually Important Open Spaces in Local Plan Policy SB3.
120. The test applied to development on Local Green Spaces, where development is only allowed *in very special circumstances*, is more onerous than that specified for Visually Important Open Spaces in Policy MP10. Under these circumstances, to avoid internal conflict within the Plan, I recommend modification to Policy MP10 by the addition of a sentence at the end explaining that those sites which are also identified as Local Green Space in this Plan have an additional level of protection under Policy MP9. This will provide a practical framework for decision making.
121. Subject to the modifications referred to above, I consider that Policy MP10 has regard to the environmental role of sustainable development and is in general conformity with strategic policy to maintain and enhance the environment.
122. **Recommendation: to meet the Basic Conditions;**

I recommend modification to Policy MP10 to read as follows:

Within or abutting settlement boundaries, visually important open spaces will be protected because of their contribution to the character or appearance of their surroundings and their amenity value to the local community.

Where appropriate, development proposals must address the effect they will have on any local identified visually important open spaces and any effect on views of the conservation area and demonstrate that they will not significantly affect the views of these spaces. Those visually important open spaces that are also identified as Local Green Spaces in this Plan have an additional level of protection under Policy MP9.

I recommend modification to figures 2.2, 2.3 and 2.6 to correctly identify the Visually Important Open Spaces as those shown on Local Plan Inset Map 52A Mendlesham.

I recommend modification to paragraph 6.16 to make it clear that the Visually Important Open Spaces are identified in supporting document SD19 and on the Proposals Maps.

Policy MP11 Paths and bridleways

123. The NPPF requires plans *to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people*. One criterion to achieve this is for developments to be *located and designed where practical to give priority to pedestrian and cycle movements*.
124. Policy MP11 encourages walking and cycling on the existing path and bridleways networks. As such, it has regard to national policy on sustainable transport.
125. On a matter of detail, the second paragraph in Policy MP11 should make it clear that the development proposals are only for new housing and business, rather than small-scale development such as house extensions. I have recommended revised wording of the second paragraph in this regard to follow similar wording in the first paragraph. Subject to this modification, Policy MP11 meets the Basic Conditions.
126. **Recommendation: to meet the Basic Conditions;**

I recommend modification to Policy MP11 to read as follows:

New housing and business developments shall, where possible, encourage usage of, and provide linkage to, the network of existing paths and bridleways in and around Mendlesham.

Development proposals for new housing and business developments shall, where possible, demonstrate that they have maximised opportunities to promote walking and cycling and access to the countryside via the Public Rights of Way.

Any proposed diversion of a Public Right of Way within a development site should not result in an adverse impact on residential amenity or the safety of the general public.

Minor Modifications

127. The Plan is a well-written document, which is easy to read. I have identified where I consider modifications to the text are required to conform with suggested modifications to policies. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as editorial matters which can be dealt with as minor amendments to the Plan. In particular, this will apply to the executive summary.

Referendum and the Parish of Mendlesham Neighbourhood Development Plan Area

128. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
129. **I am pleased to recommend that the Parish of Mendlesham Neighbourhood Development Plan 2016 – 2031 as modified by my recommendations should proceed to Referendum.**
130. I am required to consider whether or not the Referendum Area should extend beyond the Parish of Mendlesham Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Janet Cheesley

Date 3 November 2016

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2012)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Planning Practice Guidance (2014)
The Saved Policies in the Mid Suffolk Local Plan (1998)
The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006)
The Mid Suffolk Core Strategy Development Plan Document (2008)
The Mid Suffolk Core Strategy Focused Review (2012)
MSDC Gateway to Homechoice Allocation Policy (2016)
MSDC Local Connection Criteria for Local Housing Needs Schemes – An example
Regulation 16 Representations
Supporting Documentation:
Mendlesham Neighbourhood Plan Final Draft version 3.2 13 July 2016
Mendlesham Neighbourhood Plan Basic Conditions Statement
SD01 Mendlesham Parish Profile
SD02 Mendlesham Housing Needs Survey Summary Sep 2010
SD03 Mendlesham issues objectives and evidence
SD04a Household questionnaire form
SD04b Youth questionnaire form
SD04c Business questionnaire form
SD04d Additional short questionnaire form
SD05 Mendlesham Household questionnaire response analysis
SD06 Mendlesham Household questionnaire analysis Q42
SD07 Mendlesham Youth questionnaire response analysis
SD08 Mendlesham Business questionnaire response analysis
SD09 Mendlesham additional short questionnaire analysis August 2014
SD10 Statement of consultation
SD11 NPPF local and proposed policies
SD12 History of the parish
SD13 Parish location and facilities
SD14 Domesday Survey of Suffolk 1986 Mendlesham LD
SD15 Application to designate a Neighbourhood Area
SD16 Publication of application to designate a Neighbourhood Area
SD17 Map of Mendlesham Neighbourhood Area designation
SD18 MSDC approval of Neighbourhood Area designation
SD19 Landscape and Visual Assessment of Mendlesham
SD20 Mendlesham SEA Screening Determination
SD21 Mendlesham baseline data
SD22 Mendlesham Conservation Area Appraisal