

Mid Suffolk District Council

**Drinkstone  
Neighbourhood Plan  
2018-2036**

**Independent Examiner's Report**

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24 April 2020

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## Summary

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

Lying almost equidistant between Bury St Edmunds and Stowmarket and south of the A14, Drinkstone consists of two main built up areas of the Street and Drinkstone Green. The Parish has a number of listed buildings, a small Conservation Area around two windmills and a wealth of character. Characterised by narrow country lanes, this is a rural area with a population of around 548 according to the 2011 Census.

However, the Parish recognises that it has a role to play in strategic housing numbers. The Plan is presented well with a clear vision which is underpinned by a set of objectives. Although only started in 2018, the Plan is accompanied by a number of evidence documents which give support to 13 policies. These range from site allocations, definition of settlement boundaries, Local Green Spaces and other topics.

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 Mid Suffolk District Council that the Drinkstone 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  
24 April 2020



## 1.0 Introduction

This is the report of the independent examiner into the Drinkstone 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 Mid Suffolk District Council (MSDC) 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 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, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</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>3</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>4</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 Mid Suffolk District Council. 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>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>4</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>5</sup>

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> 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.

A representation raises concern about the protocols and procedures followed by the Parish Council. It is outside the jurisdiction of examiners to consider such matters other than as they relate to the examination process. It may be appropriate for such matters to be separately considered through the complaints procedure of the qualifying body or local planning authority.

PPG<sup>7</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>8</sup>

I sought clarification on a number of matters from the Parish Council and MSDC in writing on 3 April 2020 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for 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 MSDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 16 March 2020.

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

<sup>7</sup> Ibid para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

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 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.

A decision to prepare the Plan was taken on 14 May 2018. A Steering Group was set up.

A well attended initial drop in event was held in September 2018. A survey to all households then followed. This generated a high response rate of some 83%. This may have been down to the hand delivery and collection of questionnaires as well as the availability of the questionnaire online.

Consultation with both junior and youth clubs took place.

A second drop in event was held in February 2019 attracting some 76 people. This fed back the results of the questionnaire and the research done to date and information on the draft Plan.

Pre-submission (Regulation 14) consultation took place between 10 August – 4 October 2019. This stage was accompanied by a drop in event and exhibition at the start of the period. This event was attended by about 77 people. The Plan and its supporting documents were also available on the dedicated pages of the Parish Council website. Paper copies were available on request.

During the whole process, updates have been given at Parish Council meetings, in the monthly Parish magazine and via the village email alert service known as "Jungle Drums". Leaflets have been delivered to every household. As part of the work on the Landscape Appraisal, a Village Walk was organised raising awareness of the local history, geology and biodiversity. This was also well attended.

Appendix 8 of the Consultation Statement details the pre-submission responses received.<sup>9</sup>

I consider that the consultation and engagement carried out is satisfactory. I note that a representation expresses concern over the engagement and consultation. Nevertheless the respondent has sent representations in during this stage and at the pre-submission stage and so was able to participate. The pre-submission stage was held over a longer period than the minimum requirements. This was in addition to both online and face to face engagement at various stages throughout the process.

Submission (Regulation 16) consultation was carried out between 16 December 2019 – 7 February 2020.

The Regulation 16 stage resulted in eight representations including a late representation received from the Environment Agency. 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**

Drinkstone 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. MSDC approved the designation of the area on 19 June 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 clearly on page 7 of the Plan.

### **Plan period**

The Plan period is 2018 – 2036. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. The requirement is therefore satisfactorily met.

### **Excluded development**

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

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<sup>9</sup> Consultation Statement page 40

## 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>10</sup> In this instance, 'community actions' have been included in amongst policies. However, the Plan clearly explains what they are and that they do not form part of the policies.<sup>11</sup> They are clearly distinguishable from the planning policies. I consider this to be an appropriate approach for this particular Plan.

## 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>12</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>13</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>14</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>15</sup>

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<sup>10</sup> PPG para 004 ref id 41-004-20190509

<sup>11</sup> The Plan, page 9

<sup>12</sup> NPPF para 13

<sup>13</sup> Ibid para 28

<sup>14</sup> Ibid

<sup>15</sup> Ibid para 29

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>16</sup>

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>17</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>18</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>19</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>20</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>21</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. An appraisal<sup>22</sup> briefly sets out how the Plan aligns with the NPPF's key topic principles. More detail is then given with a discussion of how the key sustainable development themes of the NPPF relate to each of the Plan's policies.<sup>23</sup> This approach is to be welcomed.

### **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

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<sup>16</sup> NPPF para 31

<sup>17</sup> Ibid para 16

<sup>18</sup> PPG para 041 ref id 41-041-20140306

<sup>19</sup> Ibid

<sup>20</sup> Ibid para 040 ref id 41-040-20160211

<sup>21</sup> Ibid

<sup>22</sup> Basic Conditions Statement page 8

<sup>23</sup> Ibid page 10

<sup>24</sup> NPPF para 7

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>

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan aligns with each of the three components of sustainable development 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 Mid Suffolk Local Plan 1998 (LP 1998); the Mid Suffolk Local Plan First Alteration: Affordable Housing 2006 adopted on 13 July 2006; the Core Strategy 2008 (CS) adopted on 4 September 2008, the Core Strategy Focused Review 2012 (CSFR) adopted on 20 December 2012. The LP 1998 has mostly been superseded by CS and CSFR policies. 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 Plan objective complements the objectives of the CS and CSFR and how policy generally conforms to relevant CS and CSFR and LP 1998 policies.<sup>29</sup>

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

MSDC with Babergh District Council are working together to deliver a new Joint Local Plan (JLP Draft) which will cover the period up to 2036. Once adopted, it will replace all other policies across the two Districts.

A Preferred Options Joint Local Plan Consultation Document (Regulation 18) was consulted upon last year between 22 July – 30 September 2019. At the time of writing a consultation is being undertaken for the JLP Draft Sustainability Appraisal Scoping Report between 18 March – 24 April 2020.

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.

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<sup>25</sup> NPPF para 8

<sup>26</sup> Ibid

<sup>27</sup> Ibid para 9

<sup>28</sup> Basic Conditions Statement page 10

<sup>29</sup> Ibid pages 11 and 14 respectively

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

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.

### **European Union Obligations**

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

PPG<sup>32</sup> confirms that it is the responsibility of the local planning authority, in this case MSDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is MSDC who must decide whether the draft plan is compatible with 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***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>33</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A HRA Screening Determination and a SEA Screening Determination, both dated October 2019, have been submitted. They in turn refer to a Screening Report of September 2019 prepared by Place Services.

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<sup>31</sup> PPG para 009 ref id 41-009-20190509

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

<sup>33</sup> Ibid para 047 ref id 11-047-20190722

The Screening Report confirms that the following European sites lie within 20km of the Plan area; the Breckland Special Protection Area (SPA), the Breckland Special Area of Conservation (SAC), the Waveney and Little Ouse Valley Fens SAC and the Redgrave and South Lopham Fen Ramsar. No European sites lie within 5km of the Plan area; the impact risk zones for these European sites.

The Screening Report noted that the Plan contains site allocations, but acknowledges that the sites have planning permission. The principle of development has therefore been established outside of the Plan process and the status of the site allocations cannot be changed.

The Screening Report screened the Plan out for both SEA and HRA.

The HRA Screening Determination concluded that a HRA would not be needed. The requisite consultation with the statutory consultees, Environment Agency (EA), Natural England (NE) and Historic England (HE), was carried out. All three bodies concurred with the Determination conclusions.

The SEA Screening Determination concluded that a SEA would not be needed. Consultation with the three statutory bodies was undertaken and the EA, NE and HE agreed with the conclusions.

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

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

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.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

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

## European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. 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 13 policies. There is an eye catching front cover. There is an acknowledgements page and a foreword which set the scene. There is a helpful contents page at the start of the Plan.

### 1. Introduction and How the Plan was Prepared

This is a helpful introduction to the Plan that sets out the background to the Plan and how it has evolved. It summarises the key stages of Plan preparation in an informative and succinct way signposting where more detailed information can be found. It explains that a Steering Group was set up to lead preparation and that an additional group of volunteers supported the Plan's production.

Some natural updating of the diagram on page 6 of the Plan will be needed as the Plan progresses towards its final version. I regard this as a matter of final presentation and do not make a specific modification in this respect.

The section explains the Plan focuses on four themes; housing, natural environment, built environment and design and lastly, infrastructure and services. It explains that each theme provides a foundation for the policies in the Plan.

### 2. Defining Characteristics of Drinkstone

As well as setting out the history of the Parish, this well presented and well written section contains a lot of information about the Plan area. The text draws out comparisons with District level information and is interspersed with helpful diagrams, maps and photographs, both of which give a locally distinctive flavour to this Plan.

### 3. Current Issues

This section explains some of the main issues facing the Parish based on extensive community engagement and the preferences of the community. Again the well written text is complemented by informative diagrams.

### 4. Planning Policy Context

This section usefully explains the policy context for the Plan.

### 5. Vision and Objectives

The vision for the area is:

“In 2036 Drinkstone will be a place that has developed so that:

- it still has its own character and individuality;
- it is a place where people of all ages can live in a vibrant and friendly community;
- the natural landscape has been protected and enhanced.”

The vision is supported by 10 objectives across the four thematic topic areas. All are articulated well, relate to the development and use of land and will help to deliver the vision.

### 6. Spatial Strategy

#### Policy DRN1 - Spatial Strategy

This section sets out the overall strategy for new development.

In the CS, Policy CS 1 identifies Drinkstone as a ‘Countryside Village’ where CS Policy CS 2 restricts development to that which supports the rural economy including meeting affordable housing needs, community services and facilities needs and providing renewable energy. The CSFR identified the distribution of housing growth across the settlement hierarchy. No housing growth was directed to ‘Countryside Villages’.

The NPPF<sup>35</sup> is clear that outside the strategic elements neighbourhood plans will be able to shape and direct sustainable development in their area.

The JLP Draft sets the housing requirement for the whole District as 10,008 dwellings for the period 2018 - 2036. Early consultations identified Drinkstone as a 'Hinterland Village' and redesignated a settlement boundary which had been deleted in the CS. The most up to date position is that Drinkstone and Drinkstone Green will be defined as 'Hamlets'.

The JLP Draft confirms a minimum housing requirement for the Plan area between 2018 – 2036 of one dwelling. This requirement includes sites with planning permission as at 1 April 2018.

The Plan supports limited growth in the village in line with its level of services and location. It seeks to direct development to the existing built up areas. Accordingly, Policy DRN1 defines settlement boundaries for both Drinkstone Church and Drinkstone Green. These are based on the settlement boundaries in the LP 1998, but have been reviewed to ensure they are still appropriate. I saw at my visit that both have been appropriately designated although they differ from those put forward in the JLP Draft.

I have however made an amendment to the Drinkstone Green settlement boundary to reflect more recent planning permissions. My reasons are explained in my discussion of Policy DRN3 later in this report.

The policy is clearly written and cross references the settlement boundaries which are clearly shown on the Policies Maps.

It explains that the Plan area will “accommodate development commensurate with Drinkstone’s designation as a Countryside Village...and emerging designation as a Hamlet...”.

It focuses new development within the defined settlement boundaries.

Outside the settlement boundary, development is only permitted where it is essential for agriculture, horticulture, forestry, outdoor recreation or other uses that needs to be sited in a countryside location.

MSDC has not raised any objection to this approach.

The policy takes account of the NPPF, is in general conformity with CS Policies CS 1 and CS 2 which restricts development in the countryside other than in defined categories and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are therefore recommended.

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<sup>35</sup> NPPF para 13

## 7. Housing

### Policy DRN2 - Housing Development

The Plan explains that there is not currently a need to identify any housing sites over the Plan period. This is because the latest available information from MSDC indicated that one dwelling was needed and permission has been granted for eight since 1 April 2018. The Plan acknowledges that windfall sites will provide opportunities as will rural conversions.

Policy DRN2 therefore makes provision for 10 units, a combination of sites already with planning permission and a reasonable windfall allowance.

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.

It is now clearer at District level that further growth will be needed. For this reason, it would seem sensible for the Plan to be reviewed to ensure it remains up to date. This is because PPG advises that if there is a conflict between a policy in a neighbourhood plan and a policy in a local plan, the conflict must be resolved in the last document to become part of the development plan.<sup>37</sup> Nevertheless at this point in time, the Plan makes provision for housing growth which accords with the latest available figures.

The policy is clearly written. It does not impose a cap on housing numbers, but is clear that growth will be met through site allocations, subject of a later policy, windfall sites and opportunities outside the Settlement Boundaries.

The policy takes account of the NPPF, reflects the current development plan policies and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

### Policy DRN3 - Housing Allocations

This policy allocates five sites for housing with a total of six units. All five sites already have planning permission. The site allocations are therefore simply a reflection of the current situation and the Plan does not add to any growth already committed. All five sites are clearly shown on the Policies Maps.

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

<sup>37</sup> Ibid para 044 ref id 41-044-20190509

One of the sites, adjacent to Greyfriars, Rattlesden Road has been included for one dwelling. A footnote<sup>38</sup> indicates that a further dwelling has been granted permission. I raised a question about the extent of the site shown in the light of the permissions indicated. A very helpful plan has been prepared as part of the response to my queries.

This shows the proposed settlement boundary in the Plan and the two proposals now with planning permission and the extent of the application sites. A suggestion has been put forward by the Parish Council on a possible amended settlement boundary to reflect the permissions as they are now recognising this has changed since the production of the Plan. I consider this would be a useful and sensible amendment to make. I make this modification later in this report in relation to the Policies Maps.

The policy meets the basic conditions. No modifications are therefore recommended.

### Policy DRN4 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.<sup>39</sup>

Taking account of Altered Policy H5 of the Mid Suffolk Local Plan First Alteration, this policy takes a flexible approach to the location of rural exception sites supporting such sites outside the Settlement Boundaries.

The policy is clearly worded. However, there is one element of it which gives rise to concern. Paragraph three tries to indicate that proposals should show that a local need exists which cannot be met elsewhere. The language used though leaves room for interpretation which may inadvertently open the doors to other development. A modification is made to address this concern.

With this modification, the policy will meet the basic conditions.

- **Change the first sentence of paragraph three of the policy to read: “To be acceptable, proposals should demonstrate that a local need exists which cannot *otherwise be met.*”**

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<sup>38</sup> Page 25 of the Plan

<sup>39</sup> NPPF para 77

## 8. Natural Environment

### Policy DRN5 – Protection of Important Views

The Plan explains that as part of the supporting work carried out, a Landscape Character Assessment was undertaken to supplement and complement the higher level Suffolk Landscape Character Assessment. Five Local Character Areas have been identified and are shown clearly on Map 6 of the Plan.

The Plan explains that there are many valued views within the Parish. Policy DRN5 identifies 13 such views. All are shown on Map 7 and the Policies Maps. The area is attractive countryside and I am satisfied from what I saw on my site visit that the views have been identified appropriately.

The policy has three parts to it. The first refers to the Drinkstone Landscape Appraisal. This is previously referred to in the supporting text as a Landscape Character Assessment. To avoid any potential confusion, the document should be referred to consistently. The criterion seeks to ensure development proposals have regard to the rural and landscape setting identified in the Landscape Appraisal. However, it does not require development to then take any notice of this. A modification is made to address this.

The second element seeks development proposals to demonstrate how they conserve the open countryside in and around the village. This to some extent then duplicates the first criterion and needs some more precision to provide the practical decision making framework required by national policy and guidance.

The third element relates to the important views. I consider this element which refers to “detriment impact” requires a little more precision.

The wording of the policy then seeks to do more than protect important views and this is also addressed in my modifications.

Subject to these modifications, the policy will meet the basic conditions as it will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness, adding a local layer to CS Policy CS 5 in particular which, amongst other things, seeks to protect and conserve landscape qualities and CSFR Policy FC 1.1. and will help to achieve sustainable development.

- **Change the references to “Landscape Character Assessment” to “Landscape Appraisal” [this recommendation applies throughout the Plan document and is not repeated elsewhere]**

- **Change the first criterion to read: “have regard to, *and conserve or enhance*, the rural and landscape character and the setting of the village as identified in the Drinkstone Landscape Appraisal;”**
- **Change the second criterion to read: “*conserve or enhance the rural character of the open countryside in and around the village; and*”**
- **Change the third criterion to read: “*will ensure that there is no detrimental impact on the key features of the important views identified on the Policies Maps.*”**
- **Change the title of the policy to “*Protection of Important Views and Rural and Landscape Character*”**

### Policy DRN6 – Area of Local Landscape Sensitivity

A Special Landscape Area (SLA) has been designated for the Black Bourn Valley and the northern side slope of the Rattlesden Valley to the west of Drinkstone Road in the LP 1998 and its Policy CL2. However, the designation is proposed for deletion in the JLP Draft.

As part of the work on the Landscape Appraisal, consideration has been given to a new designation which in effect would replace the SLA designation. The extent of the area has been updated (with new areas included and an area removed) recognising the high quality of the local landscape. I saw at my visit that this area is distinguishable from surrounding land and the rest of the Parish given its topography and character. I consider that the area has been appropriately designated and is supported by the Landscape Appraisal.

The policy reflects the NPPF’s stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.<sup>40</sup> It reflects CS Policy CS 5 which, amongst other things, seeks to protect and conserve landscape qualities as well as CSFR Policy FC 1.1. and helps to achieve sustainable development.

The policy is clearly and flexibly worded. It does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities of this landscape.

There is a minor matter to correct; Map 7 is referred to in paragraphs 8.7 and 8.8 on page 32 of the Plan. The map reference should be Map 8.

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<sup>40</sup> NPPF para 170

With these modifications, the policy and its supporting text will meet the basic conditions.

- **Change the references to Map 7 in paragraphs 8.7 and 8.8 on page 32 of the Plan to “Map 8”**

### **Policy DRN7 – Dark Skies**

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.<sup>41</sup>

This policy seeks to provide a balance between safety that lighting can bring with the harm that light pollution can cause. It is clear that the dark skies in the Parish are particularly valued by the local community.

It is clearly worded with flexibility. It meets the basic conditions and no modifications are put forward.

### **Community Action 1**

This is a clearly worded action giving support to consideration of planting and screening to reduce the effect of external lighting from a nearby Business Park.

### **Policy DRN8 – Local Green Spaces**

10 areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>42</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

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

**All Saints’ Churchyard** was identified as a Visually Important Open Space (VIOS) in the LP 1998. It is valued for its ecology, including a large oak, historical significance (the Church is Grade II\* listed) and its tranquility as a green space.

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<sup>41</sup> NPPF para 180

<sup>42</sup> Ibid paras 99, 100, 101

**Albert Horrex memorial oak and green** is a small triangle of land with a memorial oak commemorating a local resident. It is close to the Church.

**Gedding Road allotments** is a triangular area of land on the junction of Gedding Road and Chapel Lane. As well as providing an area for home grown produce and social interaction, it is on the site of the former medieval green, Drinkstone Green.

**Cherry Tree Rise verges** formed part of Drinkstone Green and provides a historical link to the old Cherry Tree pub site.

**Green Close verges** formed part of Drinkstone Green and the wide verges add to the setting of these properties and the overall character of the village.

**The Cricket** is a VIOS in the LP 1998. Forming part of the medieval green it is now a recreation area with seats and play equipment.

**Park Road verges** are species rich hedgerows and green verges important for the village's setting.

**Gedding Road verges** are part of the former Drinkstone Green and important in relation to the character of the area.

**Rattlesden Road allotments and parish meadow** are valued for their ecology and history as part of the Drinkstone Green. The allotments provide locally grown produce and wellbeing opportunities.

**Black Bourn verges** are valued for ecology and historical value in the setting for adjacent listed buildings.

In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy is clearly worded and meets the basic conditions. No modifications are therefore suggested.

## **Policy DRN9 – Biodiversity**

The work on the Landscape Appraisal identified key features important for biodiversity. It particularly highlights trees, the density and extent of hedgerows as well as the four County Wildlife Sites in the Parish. A number of important species have also been recorded by the Suffolk Biological Information Service.

Policy DRN9 therefore seeks to ensure development proposals avoid any loss or harm to important features and habitats and supports those providing a net gain.

The NPPF<sup>43</sup> is clear that planning policies should minimise impacts on biodiversity and provide net gains. The policy is clearly worded and reflects this stance. It therefore meets the basic conditions and no modifications are recommended.

### Community Actions 2 and 3

Two clearly worded actions relating to biodiversity, but unrelated to the development and use of land appear in this section.

## 9. Built Environment and Design

### Policy DRN10 – Buildings of Local Significance

As well as a number of listed buildings including Drinkstone Mills which is also a Conservation Area, the Parish is rich in archaeological importance. There are also a number of buildings of local significance which have been identified through work on the Plan.

Recognising that these are not yet formally locally listed, the policy refers both to local heritage assets and “buildings of local significance”, identifying the latter in Appendix C of the Plan as well as on the Policies Map.

These are in effect non-designated heritage assets. Whilst the NPPF promotes a positive strategy for the conservation of the historic environment, it indicates that their significance should be taken into account and that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>44</sup>

The language used in the policy is not reflective of this; rather it reflects the stance of the NPPF in relation to designated heritage assets. The policy then gives these identified buildings a higher status than the hierarchy in the NPPF. To ensure that the policy will meet the basic conditions and in particular takes account of national policy and advice, a modification is recommended.

- **Delete the words “...together with an explanation of the wider public benefits of the proposal” from the second paragraph of the policy and replace with “...to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.”**

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<sup>43</sup> NPPF para 170

<sup>44</sup> Ibid para 197

## Policy DRN11 - Heritage Assets

The policy seeks to ensure that development proposals preserve or enhance the significance of heritage assets through an understanding of the asset's significance and the provision of clear justification for any works that would lead to harm. The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>45</sup>

The policy is clearly worded. It refers to Design Guidelines produced by AECOM and the need for a Heritage Statement. The policy will particularly help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

## Policy DRN12 – Design Considerations

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>46</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>47</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>48</sup>

Policy DRN12 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policy CS 5 and CSFR Policy FC 1.1.

It refers to Appendices C and D which respectively list local heritage assets and contain a Development Design Checklist based on the Design Guidelines produced by AECOM.

It refers to two settlement gaps; the first is between Drinkstone and Drinkstone Green. The second is a gap along Rattlesden Road between Garden House Lane and a dwelling, High Acres. Both gaps are shown on the Policies Maps and are appropriately designated. I further note that the Design Guidelines produced by AECOM note the importance of green gaps between the settlements and built up areas must be retained to avoid coalescence.<sup>49</sup>

Two modifications are made to ensure the policy provides the practical framework for decision making sought by national policy and guidance and to add clarity. In relation to

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<sup>45</sup> NPPF para 184

<sup>46</sup> Ibid para 124

<sup>47</sup> Ibid para 125

<sup>48</sup> Ibid para 126

<sup>49</sup> Design Guidelines page 25

criterion g) the modification is made to reflect the Design Guidelines which indicate rear or front court parking may be acceptable for small pockets of housing.<sup>50</sup>

With these modifications, the policy will meet the basic conditions.

- **Amend the first sentence of the second paragraph of the policy to read: “Planning applications should, as appropriate to the proposal, demonstrate how they satisfy the requirements of the Development Design Checklist in Appendix D of this Plan and *take account of the AECOM Design Guidelines for Drinkstone.*”**
- **Change criterion g) to read: “produce designs, in accordance with standards, that maintain or enhance the safety of the highway network ensuring that all vehicle parking is provided *in accordance with adopted guidance and designed to be integrated into the development without creating an environment dominated by vehicles* and seek always to ensure *satisfactory permeability through new housing areas, connecting any new development into the heart of the existing settlement;*”**

### Policy DRN13 – Sustainable Construction Practices

The Government introduced national technical standards for housing in 2015. The WMS<sup>51</sup> explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This policy applies to all new development not just housing. It does not seek to set standards, but rather seeks to promote best practice in energy conservation, but to ensure that such measures do not have any harmful effects on the building concerned or its setting.

The policy is a local expression of the NPPF’s drive to meet the challenge of climate change and can be viewed as a positive strategy.<sup>52</sup> It generally conforms to CS Policy CS 3 adding detail to it at the local level and will help to achieve sustainable development.

Anglian Water supports the policy, but requests some changes. I agree these would help with clarity.

With these modifications, the policy will meet the basic conditions.

- **Revise criterion d. of the policy to read: “incorporate sustainable design and construction measures and energy efficiency measures including, where feasible, ground/air source heat pumps, solar panels and *grey water recycling and rainwater and stormwater harvesting.*”**

<sup>50</sup> Design Guidelines page 34

<sup>51</sup> Written Ministerial Statement 25 March 2015

<sup>52</sup> NPPF paras 148, 151

## 10. Infrastructure and Services

There are no planning policies in this section, but a number of Community Actions.

### Community Actions 4, 5, 6 and 7

All are clearly worded actions aimed at monitoring broadband, addressing speeding traffic, dealing with flooding issues and exploring new paths and bridleways respectively.

## Policies Maps

The maps are clearly presented.

A modification is made to address my comments made in relation to Policy DRN3 earlier in my report.

There is one further modification made in the interests of consistency and a minor correction.

- **Amend the settlement boundary shown on the Policies Maps to extend the Drinkstone Green settlement boundary to that shown on the map included in the responses to my queries (extension of site at Greyfriars, Rattlesden Road)**
- **Change the Key to Policies Map and Inset Maps from “Important Gap (DRN11)” to “Settlement Gap (DRN12)”**

## Glossary

The Plan includes a helpful glossary.

## Appendices

Appendix A lists sites with planning permission. I think this was a useful addition at earlier stages of the Plan, but consideration could be given to its removal now as it will quickly become outdated. This is not however a modification I need to recommend in respect of my remit.

Appendix B contains details of listed buildings.

Appendix C is a list of buildings of local significance referenced in Policy DRN10.

Appendix D is the Development Design Checklist referred to in Policies DRN11 and 12.

Appendix E is a list of Evidence Documents.

## 8.0 Conclusions and recommendations

I am satisfied that the Drinkstone 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 Mid Suffolk District Council that, subject to the modifications proposed in this report, the Drinkstone 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 Drinkstone Neighbourhood Development Plan should proceed to a referendum based on the Drinkstone Neighbourhood Plan area as approved by Mid Suffolk District Council on 19 June 2018.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
24 April 2020

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

Drinkstone Neighbourhood Plan 2018 – 2036 Submission Plan November 2019

Basic Conditions Statement November 2019

Consultation Statement November 2019

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report September 2019 (Place Services)

Strategic Environmental Assessment Screening Determination October 2019

Habitats Regulations Assessment Screening Determination October 2019

Built Character Appraisal November 2019

Census Data August 2018

Design Guidelines Final Report April 2019 (AECOM)

Natural Environment Report and Local Green Space Assessment November 2019

Village Walk September 2018

Summary of Questionnaire Responses December 2018

Landscape Appraisal November 2019

Saved Policies of the Mid Suffolk Local Plan adopted September 1998

Mid Suffolk Local Plan First Alteration Affordable Housing adopted July 2006

Core Strategy adopted September 2008

Core Strategy Focused Review adopted December 2012

Babergh and Mid Suffolk Joint Local Plan Preferred Options Consultation Document July 2019 including Parts 1 and 2 and Settlement Maps

Other information on [www.drinkstonevillage.co.uk](http://www.drinkstonevillage.co.uk)

**List ends**

## Appendix 2 Questions of clarification from the examiner

### Drinkstone Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and MSDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Policy DRN3 allocates five sites. The site adjacent to Greyfriars, Rattlesden Road (ref DC/18/01727) has a larger site boundary than is shown on the Drinkstone Green Inset Map. Please explain this apparent discrepancy or give any comments should I be minded to recommend a modification which changes the site allocation boundaries to those in the planning application.
2. Secondly, in relation to the site adjacent to Greyfriars, a footnote indicates a further dwelling was granted permission after the pre-submission plan stage. Please could details be sent, together with any other subsequent applications or appeals, so I can be aware of the most up to date consents for this site.
3. Policy DRN8, Local Green Spaces. Number 7 Park Road verges. Is it both sides of the road that are intended for the LGS?
4. Why has the Village Hall and surrounds been omitted from the settlement boundary? If a modification was made to include it within the settlement boundary, are there any comments on this?
5. Should the Inset Map titled "Drinkstone Church" be "The Street" (and other maps) or is this correct?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,  
Ann Skippers  
Independent Examiner  
3 April 2020