

# **Laxfield Neighbourhood Plan 2018 - 2036**

**Report by Independent Examiner to Mid Suffolk  
District Council**

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**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Laxfield Neighbourhood Plan has a clear vision for the Parish and is supported by five guiding principles.
2. The Plan production was based on the minimum housing requirement in the emerging Joint Local Plan Preferred Options Consultation Document for the Parish of Laxfield this was 65 dwellings. Policy LAX 2 provides for around 70 additional dwellings, most of which are existing commitments.
3. The Parish Council did not have the opportunity to consider the increased housing requirement in the recently published Joint Local Plan Pre-Submission (Regulation 19) Document as part of the production of this neighbourhood plan. The figure of around 70 dwellings in Policy LAX 2 is a significant shortfall on the minimum of 97 dwellings in the Joint Local Plan Pre-Submission (Regulation 19) Document. However, outline planning permission was granted for 49 dwellings outside the Settlement Boundary on land on the South side of Framlingham Road (Ref: DC/19/02312) on 3 November 2020.
4. I sought the view of the Parish Council as to the likely effect of the revised minimum housing requirement for Laxfield. The Parish Council has confirmed that the site on land on the South side of Framlingham Road should be included as an existing commitment. In these circumstances, I have recommended an increase in the minimum housing figure in Policy LAX 2 from 70 to 119 dwellings. I have added the 49 dwellings recently granted planning permission on land on the South side of Framlingham Road. In addition, I have recommended that this site is included within the Settlement Boundary.
5. As the development on the site identified in Policy LAX 3 on land at Mill Road has been constructed, I have recommended the deletion of that policy and for the site to just be identified as an existing commitment.
6. I have recommended the deletion of Policy LAX 7 and modification to some of the policies in the Plan.
7. My reasons with regard to all suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
8. **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 Laxfield Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Laxfield Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

9. On 9 February 2018 Mid Suffolk District Council (MSDC) approved that the Laxfield Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Laxfield.
10. The qualifying body is Laxfield Parish Council. The Plan has been prepared by a Neighbourhood Plan Working Party on behalf of the Parish Council. The Plan covers the period 2018 to 2036.
11. I was appointed as an independent Examiner for the Laxfield Neighbourhood Plan in August 2020. I confirm that I am independent from the Parish Council and MSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

12. 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.
13. 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.
14. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) *The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) *In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*
1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*
15. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter below.
16. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)**

17. 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).
18. The *Laxfield Parish Council Neighbourhood Development Plan SEA Screening Opinion* was prepared by Land Use Consultants in March 2020. It concludes: *Given that the two allocated sites in the Laxfield NDP already have planning consent and it does not allocate any additional sites for development, it is considered that the NDP does not have the potential to have significant environmental effects in relation to the baseline, and that SEA is therefore not required.*
19. Based on this Screening Report and consultee responses, MSDC prepared a *Strategic Environmental Assessment (SEA) Screening Determination in*

May 2020. It states: *In the light of the SEA Screening Report for consultation prepared by Land Use Consultants and the responses to this from the statutory bodies it is determined that the Laxfield Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.*

20. Based on the screening determination and consultee responses, I consider that it was 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 HRA, the *Laxfield Neighbourhood Plan 2018-2036: Pre-Submission Draft Habitats Regulations Assessment (HRA): Screening Report* was prepared by Place Services in April 2020. It concludes: *Subject to Natural England's review, this HRA Screening Report concludes that the Pre-Submission draft Laxfield Neighbourhood Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects. The content of the Laxfield Neighbourhood Plan has therefore been **screened out** for any further assessment and Mid Suffolk DC can demonstrate its compliance with the UK Habitats Regulations 2017.*
22. Natural England concurred with this view. MSDC prepared a *Habitats Regulations Screening Determination* in May 2020. The determination concludes: *In the light of the Screening Report prepared by Place Services and the responses from the statutory bodies it is determined that the Laxfield Neighbourhood Plan **does not require** further assessment under the Habitats Regulations 2017.*
23. Based on 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. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
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 (NPPF)* (2019) 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. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
27. Laxfield Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Laxfield Neighbourhood 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).
28. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.
29. MSDC with Babergh District Council published a Joint Local Plan Preferred Options Consultation Document in July 2019. This covers the period 2018 to 2036. This has been followed by consultation on the BMSDC Sustainability Scoping Report (March 2020). During my examination of the Neighbourhood Plan, MSDC a Joint Local Plan Pre-Submission (Regulation 19) Document was published for consultation. This covers the period 2018 to 2037.

## **The Neighbourhood Plan Preparation**

30. 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.

31. The initial consultation process began with preliminary research at the end of 2017. The first community consultation event was held in July 2018. Household and young adults' questionnaires including a Housing Needs Survey were available online or as a hard copy in October 2018. A second community consultation event was held in May 2019. Policy options were distributed to all households in August/September 2019. A feedback community consultation event was held in October 2019.
32. The consultation period on the pre-submission draft of the Plan ran from 22 February 2020 to 6 April 2020. The consultation period began with a drop-in session and exhibition held in the Village Hall on 22 February 2020. Flyers promoting the event were delivered to every household, and a large notice was posted on the railings outside the Church; it was also advertised on the Parish Council's notice boards and website, in the Parish Magazine, at the Community Market and on social media. A series of further events was arranged in February and March at different times and venues around the village. The Draft Plan and the display material were made available on the Parish Council's website.
33. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. 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 were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to continue with the consultation period and make changes to the Plan, following the pre-submission consultation, during the challenging lockdown period.
34. MSDC publicised the submission Plan for comment during the publicity period between 17 August 2020 and 12 October 2020 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of nine responses were received and one late response. The late response related to a matter of fact regarding a planning application for development on land at Framlingham Road. Due to the circumstances, I have taken it into consideration. I am satisfied that all these responses can be assessed without the need for a public hearing.
35. Some responses suggest additions and amendments to policies. 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. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the MSDC web site.

## The Laxfield Neighbourhood Plan

36. Background information is provided throughout the Plan. A clear vision for the Parish has been established and is supported by five guiding principles. Key Issues and Planning Objectives are identified throughout the Plan to support the policies.
37. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as Community Actions in this Plan) these have to be clearly differentiated from policies for the development and use of land.
38. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
39. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
40. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
41. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
42. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

## Housing Demand and Development Opportunities

### Policy LAX 1 - Spatial Strategy for Laxfield Neighbourhood Plan Area

43. Paragraph 78 in the NPPF seeks to ensure that planning policies identify opportunities for villages to grow and thrive. Paragraphs 83 and 84 support a prosperous rural economy.
44. Core Strategy Policy CS1 identifies a settlement hierarchy in Mid Suffolk District. Laxfield is classified as a Primary Village. Policy SP03 in the emerging Joint Local Plan Pre-Submission Document identifies Laxfield as a Hinterland Village.
45. Policy LAX 1 identifies a new settlement boundary for Laxfield, within which new development will be focussed. It is based on the adopted 1998 Local Plan Boundary and reviewed to reflect changes and opportunities for new development that will arise during the next 20 years. It includes sites where permissions for new dwellings have been granted since 1 April 2018. I have suggested modification to the Settlement Boundary on the Policies Map under Policy LAX 2, for the simple reason that it relates to the recent planning permission for residential development on land on the South side of Framlingham Road. This does not require modification to the wording of Policy LAX 1 regarding the Settlement Boundary.
46. Core Strategy Policy CS2 restricts development in the countryside to defined categories. Policy LAX 1 lists some of these categories and includes development of other undefined exceptional uses. All must show local need. This is not a requirement for development such as agricultural and outdoor recreation in national policy. I see no robust evidence to justify restricting development in the countryside in this Parish to a greater degree than the restriction on development in the countryside in the rest of the District. Therefore, I recommend modification to Policy LAX 1 to ensure regard to national policy and conformity with strategic policy. I have suggested revised wording to the policy and supporting text.
47. Subject to the above modifications, Policy LAX 1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy LAX 1 meets the Basic Conditions.
48. **Recommendation: to meet the Basic Conditions, I recommend:**

#### **1) modification to Policy LAX 1 to read as follows:**

#### **Policy LAX 1 – Spatial Strategy for Laxfield Neighbourhood Plan Area**

**The Neighbourhood Plan area will accommodate development commensurate with Laxfield’s designation as a Primary Village in the**

**2008 Core Strategy (Policy CS1) and emerging designation as a Hinterland Village in the Joint Local Plan.**

**The focus for new development will be within the Settlement Boundary, as defined on the Policies Map.**

**Proposals for development located outside the Settlement Boundary will only be permitted where they accord with national and strategic policies.**

**2) modification to the third sentence in paragraph 7.8 to read as follows:**

**There may be situations where it is necessary for development to take place outside the Settlement Boundary.**

## **Policy LAX 2 - Housing Development**

49. Whilst Core Strategy Focused Review Policy FC 2 outlines the provision and distribution of housing in the District, this is not up to date.
50. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested. The qualifying body and the local planning authority 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.
51. The neighbourhood plan was prepared prior to the publication of the Joint Local Plan Pre-Submission (Regulation 19) document. The emerging document was the Joint Local Plan Preferred Options Consultation Document. The Joint Local Plan Pre-Submission document is yet to be considered in detail at examination and the emerging housing figures may change as a result of that examination. It is not for me to undertake a detailed assessment of the emerging housing figures in the Joint Local Plan.
52. The Emerging Joint Local Plan identifies Laxfield as a Hinterland Village. Policy SP03 allows for development within the settlement boundaries subject to a list of criteria including sympathetic design, a high standard of landscaping and retention of existing hedgerows and treelines where they make an important contribution to the setting. During the production of this neighbourhood plan, the minimum housing requirement in the emerging Joint Local Plan Preferred Options Consultation Document for Laxfield was 65 dwellings.

53. Background evidence supporting Policy LAX 2 explains that as at 31 December 2019 there were 64 planning permissions for new dwellings. Therefore, in accordance with emerging policy only one further dwelling was required to meet the emerging indicative housing figure for the Parish. Policy LAX 2 provides for around 70 additional dwellings, which, from the background evidence, appears to include these existing commitments. Two of these existing commitments are allocated in the Plan in Policies LAX 3 and LAX 4. The remainder of the dwellings are anticipated to be either on windfall or infill sites, dwellings demonstrating exceptional need to be located in the countryside and the conversion of redundant or disused agricultural barns in the countryside.
54. The emerging local plan minimum housing requirement figure has subsequently been increased to a minimum of 97 dwellings following the publication of the Joint Local Plan Pre-Submission (Regulation 19) Document. From the evidence before me, I consider the indicative housing figure provides me with the best guidance on total housing numbers for the Laxfield Parish area.
55. Clearly, the Parish Council did not have the opportunity to consider the increased housing requirement in the Joint Local Plan Pre-Submission (Regulation 19) Document as part of the production of this neighbourhood plan. The figure of around 70 dwellings in Policy LAX 2 is a significant shortfall on the minimum of 97 dwellings in the Joint Local Plan Pre-Submission (Regulation 19) Document. However, outline planning permission was granted for 49 dwellings outside the Settlement Boundary on land on the South side of Framlingham Road (Ref: DC/19/02312) on 3 November 2020.
56. I sought the view of the Parish Council as to the likely effect of the revised minimum housing requirement for Laxfield. The Parish Council has confirmed that the site on land on the South side of Framlingham Road should be included as an existing commitment. Therefore, I consider it appropriate to increase the minimum housing figure in Policy LAX 2 from 70 to 119 dwellings. I have added the 49 dwellings recently granted planning permission on land on the South side of Framlingham Road. Thus, Policy LAX 2 should be modified accordingly. In these circumstances, I am satisfied that such a scale of new residential development in the Parish would contribute towards sustainable development.
57. The basis for modification to the 1998 Local Plan Settlement Boundary in the Plan is the inclusion of sites where permissions for new dwellings have been granted since 1 April 2018. Whilst there is no need for me to propose that the site becomes an allocation to meet the Basic Conditions, it follows that, in the interest of clarity, the Policies Map should be modified to include the land on the South side of Framlingham Road with planning permission within the Settlement Boundary. Reference can be made to this recent planning permission on the Policies Map.

58. From my observations, I am satisfied that the new settlement boundary will allow for sustainable development in accordance with the strategic settlement hierarchy.
59. I am recommending increasing the minimum housing provision figure and extending the settlement boundary. Usually this is a significant change to a neighbourhood plan. However, in this instance it is simply recognising that there is a recent planning permission which will satisfy an increased emerging housing provision requirement. Sometimes it is necessary to ask for a period of re-consultation on a neighbourhood plan if circumstances change during an examination. In this particular instance, in the circumstances of this neighbourhood plan, as outlined above, I do not consider that the situation has significantly changed with the publication of the Pre-Submission Joint Local Plan and thus see no need for re-consultation.
60. At my site visit it was evident that the dwellings on the site allocated in Policy LAX 3 are now constructed. In these circumstances, it is not now necessary or appropriate to include this site as an allocation in Policy LAX 3. This site can remain as an existing commitment, rather than an allocation. Appendix 3 lists outstanding planning permissions and includes both sites allocated in Policies LAX 3 and LAX 4. In the interest of precision, Policy LAX 2 should specify that the provision of dwellings includes the implementation of the planning permissions identified in Appendix 3. I have suggested revised wording.
61. I have one reservation regarding residential development outside the settlement boundary in Policy LAX 2. The NPPF allows for a wider range of dwellings in the countryside beyond those listed in criterion iii in Policy LAX 2. In particular, paragraph 79 in NPPF allows for dwellings where the design is of exceptional quality. As referred to above, Core Strategy Policy CS2 restricts development in the countryside to defined categories. The residential categories are not as restrictive as those in Policy LAX 2. I have no evidence to justify the restrictions outlined in criterion iii in Policy LAX 2. Thus, to have regard to national policy and to be in general conformity with strategic policy, I have suggested revised wording for criterion iii.
62. Subject to the above modifications, Policy LAX 2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy LAX 2 meets the Basic Conditions.
63. Supporting paragraph 8.7 refers to various design policy requirements that are not included in Policy LAX 2 or in the design Policy LAX 11. This creates internal conflict in the Plan. In the interest of precision, I recommend that paragraph 8.7 is re-written to accord with these policies.
64. Throughout the Plan, reference to the Joint Local Plan and housing provision will need updating as will Appendix 3 regarding outstanding residential

planning permissions to include the site on land on the South side of Framlingham Road and, in particular, paragraph 8.10 regarding housing figures. The introductory paragraph to Appendix 3 should now refer to the period 1 April 2018 to 30 November 2020. **I see these as minor editing matters.**

65. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy LAX 2 to read as follows:**

**Policy LAX 2 - Housing Development**

**This Plan provides for around 110 additional dwellings to be developed in the Neighbourhood Plan area between 2018 and 2036. This growth will be met through:**

**i the site allocation as identified in Policy LAX 4 in the Plan and on the Policies Map; and**

**ii all other sites with planning permission identified in Appendix 3; and**

**iii small brownfield “windfall” sites and infill plots within the Settlement Boundary that come forward during the plan period and are not identified in the Plan; and**

**iv dwellings outside the settlement boundary in accordance with national and strategic policies.**

**In addition, proposals for the conversion of redundant or disused agricultural barns outside the Settlement Boundary into dwellings will be permitted where:**

**a) the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction; and**

**b) the proposal is a high-quality design and the method of conversion retains the character and historic interest of the building; and**

**c) the proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings, or the surrounding area.**

**2) modification to the Policies Map to include the land on the South side of Framlingham Road with planning permission within the**

## **Settlement Boundary and the deletion of the site allocated in Policy LAX 3.**

### **3) modification to paragraph 8.7 to accord with policy requirements in Policies LAX 2 and LAX 11.**

#### **Housing Allocations**

66. At the heart of the NPPF is the presumption in favour of sustainable development. As mentioned under Policy LAX 2, I am satisfied that the approach in the Plan to providing such a scale of new residential development in the Parish would contribute towards sustainable development.
67. Core Strategy Focused Review Policy FC 1.1 requires development proposals to demonstrate the principles of sustainable development. Proposals must conserve and enhance the local character.
68. I have the following observations for each of the allocated sites.

#### **Policy LAX 3 - Land at Mill Road**

69. This site has the benefit of planning permission for four no. three bedroom bungalows and Policy LAX 3 allocates the site accordingly (Ref DC/19/00038/FUL). As already mentioned under Policy LAX 2, as these dwellings are built, in the interest of clarity, Policy LAX 3 should be deleted.
70. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy LAX 3.**

#### **Policy LAX 4 - Land off Cullingford Close**

71. This site has the benefit of planning permission for thirteen dwellings, comprising nine open market dwellings and four affordable dwellings. Ref: (DC/19/00156). Policy LAX 4 allocates this site as detailed in this planning permission. Development is expected to be in accordance with these details unless superseded.
72. Policy LAX 4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy LAX 4 meets the Basic Conditions.

### **Policy LAX 5 - Affordable Housing on Rural Exception Sites**

73. Paragraph 77 in the NPPF states: *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*
74. Core Strategy Policy CS2 seeks to restrict development in the countryside other than in defined categories including affordable housing on exception sites.
75. Policy LAX 5 supports affordable housing schemes on rural exception sites, with an emphasis on there being a local proven need and local connection criteria for the affordable housing. A small number of market houses can be included in exceptional circumstances. This policy is supported by the *Laxfield Housing Needs Assessment* (July 2019) undertaken by AECOM.
76. Policy LAX 5 has regard to national policy for the supply of homes, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy LAX 5 meets the Basic Conditions.

### **Policy LAX 6 - Housing Mix**

77. Paragraph 59 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
78. Core Strategy Policy CS9 seeks to ensure a mix of housing types, sizes and affordability to cater for different accommodation needs.
79. Policy LAX 6 seeks a balanced mix of two, three and four bedroom homes on sites of ten or more dwellings. In Policy LAX 6, exceptions to this requirement relate to tenure or latest housing needs. Policy LAX 6 is supported by the findings of the *Laxfield Housing Needs Assessment* (July 2019) undertaken by AECOM.
80. Policy LAX 6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy LAX 6 meets the Basic Conditions.

### **Policy LAX 7 - Measures for New Housing Development**

81. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or

requirements relating to the construction or performance of new dwellings in neighbourhood plans and it clearly states that neighbourhood plans should not be used to apply the national technical standards.

82. Policy LAX 7 requires all new dwellings to achieve internal space in accordance with Nationally Described Space Standards and be adaptable to Building Regulations M(4)2 standards. This is contrary to the national planning guidance referred to above and thus should be deleted.
83. Paragraphs 8.24 and 8.25 refer to wheelie bin storage and cycle storage. These are matters referred to in Policy LAX 11. Thus, it is more appropriate for these paragraphs to be moved to that section. **I see this as a minor editing matter.**
84. **Recommendation: To meet the Basic Conditions, I recommend the deletion of Policy LAX 7.**

## **Built Environment and Design**

### **Policy LAX 8 - Buildings of Local Significance**

85. PPG states:

*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*

*Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).

86. Core Strategy Policy CS5 seeks to maintain and enhance the historic environment.
87. Policy LAX 8 identifies buildings of local significance to be treated as non-designated heritage assets. Their importance to the local community is described in Appendix 2 to the Plan. I have been advised that the criteria used to select these buildings is based on advice by Historic England in *The Historic England Advice Note 7: Local Heritage Listing*.

88. The Parish Council has advised that Waterloo House is a Grade II\* listed building. Thus, this building should be deleted from Policy LAX 8, the Village Centre Inset Map and Appendix 2 as a Building of Local Significance. **I see this as a minor editing matter.**
89. Policy LAX 8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy LAX 8 meets the Basic Conditions.

### **Policy LAX 9 - Heritage Assets**

90. The NPPF advises at paragraph 193 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. This paragraph is in Section 16 of the NPPF which differentiates between consideration of potential substantial harm, total loss, or less than substantial harm, to the significance of heritage assets.
91. Paragraph 196 in the NPPF refers to the need for a balanced judgement in weighing applications that directly or indirectly affect non-designated heritage assets.
92. Core Strategy Policy CS5 seeks to ensure that all development maintains and enhances the environment, including the historic environment, and retains the local distinctiveness of the area. Core Strategy Focused Review Policy FC1.1 seeks to ensure that proposals for development conserve and enhance the local character of different parts of the District.
93. The Laxfield Conservation Area covers the core of the village and there are a number of listed buildings in the Parish. Policy LAX 9 seeks to ensure the conservation and enhancement of the village's heritage assets. As the NPPF makes a distinction between designated and non-designated heritage assets, the Policy should make this clear. I have suggested revised wording.
94. Criteria e. and f. are unnecessary as they are largely repeated in the two paragraphs below. To have regard to the NPPF and particularly in the interest of clarity, the penultimate paragraph should be strengthened to distinguish between substantial harm and less than substantial harm to the significance of the designated heritage assets.
95. Subject to the modifications suggested above, Policy LAX 9 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LAX 9 meets the Basic Conditions.
96. Criterion c. refers to the Landscape Appraisal and Built Character Assessment. I have received confirmation that the Landscape Appraisal is a combination of the *'Landscape around Laxfield [Environmental Assessment]* and the *Laxfield – Landscape Character and Habitats [Natural Environment]*

Reports. I suggest that these two reports are combined as an Appendix to the Plan with the title *Landscape Appraisal*. **I see these as minor editing matters.**

97. I have been provided with the *Built Environment Character Assessment* Report. I suggest that reference to this report in Policies LAX 9 and LAX 11 refer to this full title. In addition, I suggest that this report is included as an Appendix to the Plan. **I see these as minor editing matters.**

98. **Recommendation: To meet the Basic Conditions I recommend modification to Policy LAX 9 to read as follows:**

**Policy LAX 9 – Heritage Assets**

**To ensure the conservation and enhancement of the village’s designated and non-designated heritage assets, proposals must:**

- a. preserve or enhance the significance of the heritage assets of the village, their setting and the wider built environment, including views into, within and out of the conservation area as identified on the Policies Map;**
- b. retain buildings and spaces, the loss of which would cause harm to the character or appearance of the conservation area;**
- c. contribute to the village’s local distinctiveness, built form and scale of its heritage assets, as described in the Landscape Appraisal and Built Environment Character Assessment through the use of appropriate design and materials; and**
- d. be of an appropriate scale, form, height, massing, alignment and detailed design which respects the area’s character, appearance and its setting.**

**Proposals will not be supported where any harm, less than substantial or substantial harm, or total loss of significance of a designated heritage asset, caused as a result of the impact of a proposed scheme, is not outweighed by the public benefits that would be provided.**

**Where a planning proposal affects a designated or non-designated heritage asset, it must be accompanied by a Heritage Statement identifying, as a minimum, the significance of the asset, and an assessment of the impact of the proposal on the heritage asset. The level of detail of the Heritage Statement should be proportionate to the importance of the asset, the works proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.**

## Policy LAX 10 - Dark Skies

99. Paragraph 180 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
100. Core Strategy Policy CS4 refers to the need for development to avoid causing light pollution wherever possible.
101. Policy LAX 10 seeks to minimise light pollution in this rural parish to avoid a detrimental impact on the rural character of the village. In doing so, it seeks to ensure highway safety and the safety of residents.
102. Policy LAX 10 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy LAX 10 meets the Basic Conditions.

## Policy LAX 11 - Design Considerations

103. Paragraph 124 in the NPPF explains 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. Being clear about design expectations, and how these will be tested, is essential for achieving this.*
104. Paragraph 125 in the NPPF states: *plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
105. Paragraph 127 in the NPPF lists criteria for design policies, including that *developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
106. Core Strategy Policy CS5 seeks to ensure that all development maintains and enhances the environment and retains the local distinctiveness of the area. Core Strategy Focused Review Policy FC1.1 seeks to ensure that proposals for development conserve and enhance the local character of different parts of the District.
107. Policy LAX 11 seeks a high quality safe and sustainable environment. The details in this policy are primarily justified by the detailed robust background evidence in the Built Environment Character Assessment.

108. In the interest of clarity and precision, I have suggested revised wording for the first sentence. I have recommended the removal of the word ‘important’ from criteria c. and d.ii. as these areas are not clearly defined. Criterion e. should be deleted as it repeats criterion d.v.
109. Criterion d.iii refers to important views. These are evaluated in the background evidence document *The Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils* (March 2018). I have visited these viewpoints and understand their importance to the local community.
110. Subject to the modifications I have suggested above, Policy LAX 11 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LAX 11 meets the Basic Conditions.
111. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAX 11 to read as follows:**

#### **Policy LAX 11 - Design Considerations**

**Proposals for new development must reflect the local character in the Neighbourhood Plan area and create and contribute to a high quality, safe and sustainable environment.**

**In particular, proposals will be supported where, as appropriate to the proposal, they:**

- a. recognise and address the key features, characteristics, landscape/building character, local distinctiveness and special qualities of the area and/or building as identified in the Built Environment Character Assessment and, on sites located outside the Settlement Boundary, prepare a landscape character appraisal to demonstrate this;**
- b. maintain or create the village’s sense of place and/or local character avoiding, where possible, developments which do not reflect the lane hierarchy and form of the settlement;**
- c. do not involve the loss of gardens, open, green or landscaped areas or the erosion of the settlement gaps identified on the Policies Map, which make a positive contribution to the character and appearance of that part of the village;**
- d. taking mitigation measures into account, do not result in a significant adverse effect on:**
  - i. the historic character, architectural or archaeological heritage assets of the site and its surroundings, including those locally identified Buildings of Local Significance listed in Appendix 2 and as identified on the Policies Map;**
  - ii. landscape characteristics including trees and ancient hedgerows and other prominent topographical features;**

- iii. identified important views into, out of, or within the village as identified on the Policies Map;
- iv. sites, habitats, species and features of ecological interest;
- v. the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity;
- e. produce designs that respect the character, scale, height and density of the locality;
- f. produce designs, in accordance with standards, that maintain or enhance the safety of the highway network ensuring that all appropriate vehicle parking is provided within the plot, a proportion of parking is provided on street but is well designed, located and integrated into the scheme to avoid obstruction to all highway users and visibility seeking always to ensure permeability through new housing areas, connecting any new development into the heart of the existing settlement, prioritising the movement of pedestrians and cyclists;
- g. wherever possible ensure that development faces on to existing lanes, retaining the rural character and creates cross streets or new back streets in keeping with the settlement's hierarchy of routes;
- h. do not result in water run-off that would add to or create surface water flooding; and shall include the use of above-ground open Sustainable Drainage Systems (SuDS). These could include wetland and other water features, which can help reduce flood risk whilst offering other benefits including water quality, amenity/ recreational areas, and biodiversity benefits.
- i. where appropriate, make adequate provision for the covered storage of all wheelie bins and for cycle storage in accordance with adopted cycle parking standards.
- j. include suitable ducting capable of accepting fibre to enable superfast broadband; and
- k. provide one electronic vehicle charging point per new off-street parking place created.

### **Policy LAX 12 - Sustainable Construction Practices**

- 112. Paragraph 148 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
- 113. Core Strategy Policy CS3 seeks to reduce contributions to climate change.

114. As mentioned under Policy LAX 7, national guidance clearly indicates that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Therefore, Policy LAX 12 can only apply to non - residential development. I suggest that Policy LAX 12 is modified accordingly.
115. The accompanying text can explain that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. **I see this as a minor editing matter.**
116. Subject to the above modification, modified Policy LAX 12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LAX 12 meets the Basic Conditions.
117. Criterion c. is a repetition of criterion a. and thus criterion c. should be deleted. **I see this as a minor editing matter.**
118. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAX 12 by the addition of the following sentence at the beginning of the policy:**
- This policy only applies to non - residential development.**

## **Natural Environment**

### **Policy LAX 13 - Protection of Landscape Setting of Laxfield**

119. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes.
120. Core Strategy Policy CS5 seeks to protect and conserve landscape quality, taking into account the natural environment and the historic dimension of the landscape as a whole.
121. Policy LAX 13 seeks to protect the landscape setting of Laxfield. In the interest of precision, I recommend that criterion iii) is strengthened to refer to not having a detrimental 'visual' impact on the key features of important views. Subject to this modification, Policy LAX 13 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LAX 13 meets the Basic Conditions.
122. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion iii) in Policy LAX 13 to read as follows:**

**iii) will not have a detrimental visual impact on the key features of the important views identified on the Policies Map.**

### **Policy LAX 14 – Biodiversity**

123. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible. One of the principles to protect and enhance biodiversity in Paragraph 175 states: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
124. Core Strategy Policy CS5 requires all development to maintain and enhance the environment and retain local distinctiveness.
125. Policy LAX 14 seeks to protect natural features and supports a net gain in biodiversity. It recognises the need for mitigation where losses or harm are unavoidable.
126. The first sentence in Policy LAX 14 refers to important trees. I have no evidence before me to identify important trees in the Parish.
127. Policy LAX 14 states that where losses or harm are unavoidable, the benefits of the development must clearly outweigh any impacts. In Paragraph 175 b) in the NPPF, this test is only relevant for development on land within or outside a Site of Special Scientific Interest. I have no evidence before me to indicate why this test should be relevant for all losses or harm to biodiversity features in the Parish.
128. Policy LAX 14 refers to onsite mitigation as part of the design concept and layout of a development scheme. However, in a number of instances it may be preferable for there to be off site mitigation and therefore a requirement for onsite mitigation cannot always be justified.
129. If I were to recommend modification to Policy LAX 14 with regard to loss of biodiversity and mitigation, it would merely be a repetition of national policy and would add no local policy detail. Therefore, I recommend deletion of the first section of the policy.
130. Subject to the above modification, Policy LAX 14 has regard to national policy, contributes towards sustainable development, particularly the environment objective and is in general conformity with strategic policy. Modified Policy LAX 14 meets the Basic Conditions.
131. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LAX 14 to read as follows:**

## **LAX 14 – Biodiversity**

**Where new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.**

**Development proposals will be supported where they provide a net gain in biodiversity through, for example,**

- a) the creation of new natural habitats including ponds;**
- b) the planting of additional trees and hedgerows;**
- c) restoring and repairing fragmented biodiversity networks; and**
- d) the inclusion of swift bricks and/or bat boxes within new buildings.**

## **Policy LAX 15 - Local Green Spaces**

132. The NPPF in paragraphs 99 - 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) 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*
- c) local in character and is not an extensive tract of land.*

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

133. Whilst Core Strategy Policy CS5 does not refer to Local Green Spaces (LGS), it does seek to protect and conserve landscape quality.
134. The choice of LGS in Policy LAX 15 is supported by background evidence in the *Local Green Spaces Report*. I have seen the proposed LGS during my visit to the Parish. My comments on each site are set out below. They all

meet the criteria for designation. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period.

135. 1. Allotments, Bickers Hill. These are well used allotments. They are in reasonably close proximity to the community, have a locally significant recreational value and do not comprise an extensive tract of land.
136. 2. Allotments, Station Road. These are well used allotments. They are in close proximity to the centre of the village, have a locally significant recreational value and do not comprise an extensive tract of land.
137. 3 Mobbs Meadow. This area is on the edge of the village, in reasonably close proximity to the community. It is demonstrably special to the local community and holds a particular local significance, due to its ecological significance and beauty. It is not an extensive tract of land.
138. 4. Village Pond. This pond is in the core of the village. It is demonstrably special to the local community and holds a particular local significance, due to its location within the Conservation Area. It is not an extensive tract of land.
139. 5. Field on left of Goram Mill Lane. This is an open meadow on the edge of the village. It is in reasonably close proximity to the community. It is demonstrably special to the local community and holds a particular local significance, due to it being an open area adjoining part of the northern edge of the village. It is not an extensive tract of land.
140. 6. High Street verges. These wide verges in the Conservation Area are demonstrably special to the local community and hold a particular local significance as they provide a setting for the many listed buildings. They do not comprise an extensive tract of land.
141. Following a very recent Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I now consider it necessary to delete the last paragraph in Policy LAX 15. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.
142. Subject to the above proposed modification, Policy LAX 15 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LAX 15 meets the Basic Conditions.
143. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the last paragraph in Policy LAX 15.**

## Amenities and Services

### Policy LAX 16 - Protecting Existing Services and Facilities

144. Paragraph 92 in the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters, plan positively for the provision of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
145. Core Strategy Policy CS6 seeks to ensure that new development provides or supports the delivery of appropriate and accessible infrastructure to meet the justified needs of new development. Whilst not a policy specifically supporting the retention of existing facilities, the supporting text does refer to seeking to ensure the protection of existing facilities and services.
146. Policy LAX 16 seeks to protect existing services and facilities. This has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy LAX 16 meets the Basic Conditions.

### Policy LAX 17 - Open Space, Sport and Recreation Facilities

147. The NPPF in paragraph 96 recognises that access to a network of high quality open spaces for sport and physical activity is important for the health and well - being of communities.
148. Core Strategy Policy CS5 seeks to ensure that all development retains the local distinctiveness of the area.
149. Policy LAX 17 seeks to protect existing amenity space and supports the provision of enhanced or expanded provision. The amenity, sports and recreation facility identified on the Policies Map are the playing field together with the sports pavilion and the village hall. It is clear from the background evidence that these are valued local recreation facilities.
150. It does appear that Policy LAX 17 has been copied from elsewhere, where there may well have been more than one settlement in the plan area. In the interest of clarity, I suggest that the second paragraph in Policy LAX 17 refers to the 'needs of the Parish', rather than the 'needs of the settlement where the development is taking place'.
151. Subject to the above proposed modification, Policy LAX 17 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Modified Policy LAX 17 meets the Basic Conditions.

152. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy LAX 17 to read as follows:**

**Any replacement provision should take account of the needs of the Parish and the current standards of open space and sports facility provision adopted by the local planning authority.**

## **Businesses, Employment and Makers**

### **Policy LAX 18 - New Businesses and Employment**

153. An extract from paragraph 80 in the NPPF states: *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*
154. Core Strategy Focused Review Policy FC3 seeks to increase the provision of employment opportunities. It supports economic development proposals in rural areas, including tourism and farm diversification that cannot be more sustainably located closer to existing settlements and where the proposal is restricted in size, scale and type appropriate to a rural setting.
155. The above policies are relevant to Policies LAX 18 and LAX 19.
156. Policy LAX 18 supports new business development subject to a list of criteria, which seek to ensure it would not create unacceptable adverse impact. I have only one concern with this policy. It refers to land designated in the development plan for business use. No such land is identified in this Plan and neither is there such land identified in the saved Local Plan policies, Core Strategy or Core Strategy Focused Review. Therefore, in the interest of precision, I recommend deleting this reference.
157. Subject to the above proposed modification, Policy LAX 18 has regard to national policy, contributes towards sustainable development, particularly the economic objective, and is in general conformity with strategic policy. Modified Policy LAX 18 meets the Basic Conditions.
158. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy LAX 18 by the deletion of criterion a).**

## **Policy LAX 19 - Farm Diversification**

159. Policy LAX 19 encourages farm diversification, subject to ensuring no adverse effects, including to the rural economy and the environment. Policy LAX 19 has regard to national policy, contributes towards sustainable development, particularly the economic objective, and is in general conformity with strategic policy. Policy LAX 19 meets the Basic Conditions.

## **Transport, Infrastructure and Distribution Links**

### **Policy LAX 20 - Public Rights of Way**

160. At paragraph 98, the NPPF seeks to protect and enhance public rights of way and access.
161. Core Strategy Policy CS6, amongst other matters, seeks to reduce the need to travel and make safer and easier access by walking and cycling.
162. Policy LAX 20 seeks to protect and improve existing Public Rights of Way. This has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy LAX 20 meets the Basic Conditions.

## **Referendum and the Laxfield Neighbourhood Plan Area**

163. 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.
164. **I am pleased to recommend that the Laxfield Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
165. I am required to consider whether or not the Referendum Area should extend beyond the Laxfield Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

166. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. 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 minor editing matters which can be dealt with as minor modifications to the Plan.

**Janet Cheesley**

**Date 4 December 2020**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018  
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)  
Babergh & Mid Suffolk Joint Local Plan: Preferred Options Consultation Document (July 2019)  
Babergh & Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020)  
Regulation 16 Representations  
All Supporting Documentation submitted with the Plan  
Examination Correspondence (On the MSDC web site)