

Thurston Neighbourhood Development Plan 2018 – 2036

Independent Examination

First published: 21 March 2019

Introduction

This document will provide an on-going record of all 'general' correspondence during the Thurston Neighbourhood Plan examination period between the Examiner (Janet Cheesley), the Parish Council / NP Working Group, and Mid Suffolk District Council (See item 1). It will also act as a record of matters raised and responses to these.

As required, specific documents will continue to be published on the district councils Thurston NP webpage: www.midsuffolk.gov.uk/ThurstonNP

Copies of e-mails / letters appearing on the following pages:

1. E-mail from Examiner dated 18 March 2019 - Procedures and Questions
2. E-mail from Examiner dated 19 March 2019 - N'hood Plan para' 3.50
3. E-mail to Examiner dated 19 March 2019 - Part response to 1 and 2 above
4. E-mail to Examiner dated 20 March 2019 - New Primary School location
5. E-mail to Examiner dated 26 March 2019 - Response to para' 3.50 question

1. E-mail dated 18 March 2019 relating to general procedures etc.

From: Janet Cheesley
To: Thurston Parish Clerk, Paul Bryant (BMSDC)
Dated: 18 March 2019
Subject: Thurston Neighbourhood Plan Examination

Dear Paul and Vicky

I am writing to set out how I intend to undertake the examination of the Thurston Neighbourhood Development Plan. My role is to determine whether the Plan meets the Basic Conditions and other legal requirements. I intend to ensure that the Parish Council feels part of the process. As such, I will copy the Parish Council into all correspondence, apart from contractual matters that are dealt with direct with the local planning authority. Likewise, please can you ensure that any correspondence from you is copied to the other party. This will ensure fairness and transparency throughout the process.

Paul will be my main point of contact. Once I have read all the papers, I may ask for any missing documents or seek clarification on some matters. It may be appropriate for me to seek clarification on matters from the Parish Council. I must emphasise very strongly that this does not mean that I will accept new evidence. In the interest of fairness to other parties, I cannot accept new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest that you send it to Paul in the first instance for his opinion. If I do seek clarification, I will ask for my request and any responses to be published on the Mid Suffolk District Council's web site.

It may be that there is very little correspondence from me during the examination. I will endeavour to keep you both up to date on the progress of the examination. The default is for an examination to be conducted without a hearing. If I feel one is necessary, I will inform you both as early as possible, but this is likely to be near the end the examination process. If I do intend to hold a hearing, I will inform you of the procedure at that time.

I will issue a draft report for fact checking by both parties. I will ask you both to check my report for factual errors such as dates, sequence of events, names and so on that might need to be corrected. The report will be confidential and must not be presented to a public meeting. I must emphasise that this is not an opportunity to make comments on the report other than those that relate to factual errors. In particular, I will not be inviting, and will not accept, comment on any suggested modifications. The draft report will only be published as the final version if there are no factual errors found and if there is no other reason, such as a sudden change in national policy, that could be significant to my recommendations. I will endeavour to issue my final report shortly after the fact checking stage.

I confirm that I have received the submission documents from Mid Suffolk District Council, together with the Regulation 16 representations. I have visited the Parish and seen everything I need to see.

I understand that the Parish Council has taken the opportunity to make comment on the Regulation 16 representations. I will consider the comments when I receive them in due course.

Cont/...

Representations from Historic England and the Environment Agency are relying on their representation at the Regulation 14 stage. **Please can I have copies of their full representations at that stage.** [MSDC note: Our bold for emphasis. See response on page 5 below.]

There is reference in the Neighbourhood Plan to the future development of a new primary school. **Is there any update on the possible location or timing of provision of the school that is public knowledge?** [MSDC note: Our bold for emphasis. See response on page 10 below.]

The Plan states that the revised settlement boundary includes the sites with planning permission. The Policies Maps do not include these sites. **Is this simply an error?** [MSDC note: Our bold for emphasis. See response on page 5 below.]

I enclose a recently published NPIERS Guidance to Service Users and Examiners, which may be of interest regarding the examination process.



NPIERS_Guidance_to_
Service_Users_and_Ex:

Please can Paul arrange for the web site to be updated to announce that I have started the examination of the Plan.

Please can this email be placed on the District Council's web site. If there is future correspondence regarding matters of clarification, I will ask for those to be similarly made available.

At the end of the examination, I would welcome feedback as to whether the way the examination has been conducted has enabled the Parish Council to feel included in the process.

Regards
Janet Cheesley

- ends -

2. E-mail dated 18 March 2019 relating to general procedures etc.

From: Janet Cheesley
To: Thurston Parish Clerk, Paul Bryant (BMSDC)
Dated: 19 March 2019
Subject: Thurston Neighbourhood Plan Examination

Paul and Vicky

I am seeking clarification with regard to paragraph 3.50 in the Neighbourhood Plan.

*Paragraph 3.50 - 'Access to the westbound platform is via the Barrow Foot Crossing over the two rail lines. Network Rail acknowledges that there is a need to mitigate passenger risk but to date a solution has not been found. **The approved development in late 2017 will move the cumulative passenger risk into a higher category and mitigation measures should be in place prior to increased development.** Car parking at the station is inadequate and is impacting increasingly on the village.'*

I am seeking clarification with regard to the highlighted sentence. I am unsure whether this sentence means mitigation measures should be in place prior to the development of the sites with planning permission, or whether it means that mitigation measures should be in place before any further development, above that already permitted, should be allowed. It would be helpful if this could be clarified.

Regards

Janet Cheesley

3. E-mail dated 19 March 2019 relating to general procedures etc.

From: Paul Bryant (BMSDC)
To: Janet Cheesley
Cc: Thurston Parish Clerk
Dated: 19 March 2019
Subject: Thurston Neighbourhood Plan Examination

Dear Janet

Thank you for your e-mail received yesterday which set how you intend to undertake this examination. You also ask three questions, two of which we answer below and one which we will respond to asap. I also acknowledge receipt of your e-mail dated today which seeks clarity on para 3.50, the answer to which will also have to follow.

So, from your e-mail of 18th:

Q1: Representations from Historic England and the Environment Agency are relying on their representation at the Regulation 14 stage. Please can I have copies of their full representations at that stage.

A: Please see scanned copies of these two representations attached. [\[MSDC note: See next pages\]](#)

Q2: There is reference in the [NP] to the future development of a new primary school. Is there any update on the possible location or timing of provision of the school that is public knowledge?

A: To follow

Q3: The Plan states that the revised settlement boundary includes the sites with planning permission. The Policies Maps do not include these sites. Is this simply an error?

A: The Parish Council have responded as follows: We acknowledge that this is a cartography error and with the Examiner's approval and permission would like to ask that it be noted that this should be corrected and should include these sites to be in accordance with Policy 1.

In addition to the above, and with my thanks to Vicky, please also see attached the Parish Councils response to the Reg 16 Representations. [\[MSDC note: Uploaded to our Thurston NP webpage\]](#)

I will arrange for all the above, and your two e-mails to be published on our website by the end of the week.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC



Historic England

EAST OF ENGLAND OFFICE

Mrs V S Waples
Thurston Parish Council
New Green Centre
THURSTON
Suffolk
IP31 3TG

Direct Dial: [redacted]

Our ref: PL00461983

30 August 2018

Dear Mrs Waples

Ref: Thurston Neighbourhood Plan Regulation 14 Consultation

Thank you for your correspondence dated 27 July 2018 inviting Historic England to comment on the Regulation 14 Pre-Submission Draft of the Thurston Neighbourhood Plan.

We welcome this neighbourhood plan, which has a consideration for Thurston's character throughout. We were pleased to note the informative yet succinct consideration of the history and character of Thurston from page 6 onwards, and also welcome the detailed information and requirements set out in the Residential Design section found on p33 onwards, which will aid in maintaining Thurston's existing qualities. Specifically, we welcome the requirement for developments to follow the principles set out in the Suffolk Design Guide for Residential Areas. Other useful urban design guidance can be found in the most recent good practice guidance - the government's Manual for Streets and Manual for Streets 2 and Historic England's own Streets for All documents.

For further advice, we would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>. This also includes exemplar neighbourhood plans, where we consider that the historic environment has been particularly well considered.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU
Telephone 01223 582749
HistoricEngland.org.uk



Stonewall
0203 713 9999

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



Mrs Vicky Waples
New Green Centre
New Green Avenue
Thurston
Bury St. Edmunds
IP31 3TG

Our ref: AE/2018/123067/01-L01
Your ref: ThurstonNHP
Date: 28 August 2018

Dear Mrs Waples

**THURSTON NEIGHBOURHOOD PLAN PRE-SUBMISSION (REGULATION 14)
CONSULTATION
THURSTON PARISH COUNCIL PARISH COUNCIL OFFICE NEW GREEN CENTRE
THURSTON IP31 3TG**

Thank you for your consultation dated 12 July 2018. We have inspected the Regulation 14 Neighbourhood Plan Draft as submitted and have highlighted key environmental considerations, as detailed below.

Our principal aims are to protect and improve the environment, and to promote sustainable development, we:

- Act to reduce climate change and its consequences
- Protect and improve water, land and air
- Work with people and communities to create better places
- Work with businesses and other organisations to use resources wisely

Flood Risk

Our maps show areas within the Thurston Parish fall within Flood Zone 2 and 3 the respective medium and high probability zones, as defined by the Planning Guide. You should therefore refer to our [Flood Risk Standing Advice](#) on reviewing flood risk assessments (FRAs) in Flood Zone 2 and 3. All future development proposals within the Fluvial Flood Zone of the Sapiston / Pakenham Stream (which includes Flood Zones 2 and 3, as defined by us), or elsewhere involving sites of 1ha or more, must be accompanied by a FRA.

Environment Agency
Ioeni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
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Sequential Test

The Neighbourhood Plan should apply the sequential test and use a risk based approach to the location of future development. The plan should be supported by a Strategic Flood Risk Assessment (SFRA) and should use the NPPF Planning Practice Guidance (PPG). The PPG advises how planning can take account of the risks associated with flooding in plan-making and the planning application process. The following advice could be considered when compiling the Neighbourhood Plan to ensure potential development is sequentially sited, or if at flood risk it is designed to be safe and sustainable into the future.

Sequential Approach

The sequential approach should be applied within specific sites in order to direct development to the areas of lowest flood risk. If it isn't possible to locate all of the development in Flood Zone 1, then the most vulnerable elements of the development should be located in the lowest risk parts of the site. If the whole site is at high risk (Flood Zone 3), an FRA should assess the flood characteristics across the site and direct development towards those areas where the risk is lowest.

Natural Capital

Studies have shown that natural capital assets such as green corridors and green amenity spaces are important in climate change adaptation, flood risk management, increasing biodiversity and for human health and well-being. An overarching strategic framework should be followed to ensure that existing amenities are retained and enhanced. We are pleased to see Policy 10 looks to allocate 'Local Green Spaces' which will look to protect these areas from being developed on. Development management will guide the provision of green infrastructure which should be delivered in a collaborative approach between developers, councillors and the local community. SuDS are often part of building green infrastructure into design. For more information please visit <http://www.susdrain.org/delivering-suds/using-suds/background/sustainable-drainage.html>

Contaminated Land

For land that may have been affected by contamination as a result of its previous use or that of the surrounding land, sufficient information should be provided with any planning application to satisfy the requirements of the NPPF for dealing with land contamination. This should take the form of a Preliminary Risk Assessment (including a desk study, conceptual model and initial assessment of risk), and provide assurance that the risk to the water environment is fully understood and can be addressed through appropriate measures. This is because Thurston Parish is a source protection zone 3 as well as on a principal Aquifer. For any planning application the prior use should be checked to ensure there is no risk of contamination.

Please note that the view expressed in this letter by the Environment Agency is a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that may come forward. We reserve the right to change our position in relation to any such application.

Please contact me on the details below should you have any questions or would wish to contact any of our specialist advisors. Please continue to keep us advised on the

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progress of the plan.

We trust that this advice is useful.

Yours sincerely

**Mr Ed Abigail
Planning Advisor**

Direct dial: [redacted]
Direct e-mail [redacted]

End

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4. E-mail dated 20 March 2019 re new Primary School location

From: Paul Bryant (BMSDC)
To: Janet Cheesley
Cc: Thurston Parish Clerk
Dated: 20 March 2019
Subject: Thurston NP Examination Qstns [Primary School]

Dear Janet

I am now able to respond to your question about the future development of a new primary school in Thurston.

Suffolk County Council have advised us that they recently carried out a pre-application planning consultation on a proposal to relocate Thurston CofE Primary Academy to a new site off Norton Road [i.e., the south east corner of Site A shown on the Policies and Inset Maps ... Figures 13 and 14 ... in the Thurston N'hood Plan]. That consultation has just closed [17 March] and it is currently expected that a planning application will be made in April / May, with the school to open in 2021.

Please see: <https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/consultations/thurston-cep-academy/> for more details. [MSDC Note: Screen shot of SCC web page shown below]

Thurston Parish Council have also confirmed that this site is their preferred choice.

I hope the above gives you all the information that you need.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

[Right: Screen shot of SCC web page taken 20 Mar 2019]

Suffolk County Council

Home » Council and democracy » Consultations, petitions and elections » Consultations » Thurston Church of England Primary Academy pre-application planning consultation

Thurston Church of England Primary Academy pre-application planning consultation

Our consultation on a proposal to relocate Thurston Church of England Primary Academy closed on Sunday 17 March 2019.

This consultation has now closed.

Suffolk County Council consulted on a proposal to relocate Thurston Church of England Primary Academy to a new site off of Norton Road. The new school facility will accommodate 420 students (with a masterplan for 630 students) and a 30 place standalone Pre-school facility (with a masterplan for 60 places).

This non-statutory pre-application planning consultation will enable us to gather the views of parents, local residents and potential building users prior to the submission of the planning application and does not affect the right to comment on the proposals during the statutory planning process.

You can view the plans for the proposed development below:

- Proposed Site Plan (PDF, 2837KB)
- Proposed Site Layout (PDF, 3419KB)
- Proposed Ground Floor Plan (PDF, 388KB)
- Proposed First Floor Plan (PDF, 317KB)
- Proposed Ground and First Floor Plan (PDF, 2884KB)
- Proposed Ground Floor and First Floor Elevations (PDF, 1628KB)
- Proposed Pre-School Plan (PDF, 201KB)
- Proposed Pre-School Elevations (PDF, 1273KB)

Contact us

If you have any questions, contact the Schools Infrastructure Team at schools@suffolk.gov.uk.

Suffolk County Council

Council and democracy

Consultations, petitions and elections

Consultations

A tough call to make on the 2019/2020 budget

Abbots Green Academy pre-application planning consultation

Consultation on admissions to schools in Suffolk for the 2019/2020 school year

Babergh Traffic Regulation Order (TRO) consultation

Bosmere Community Primary School pre-application planning

5. E-mail dated 26 March 2019 re para 3.50 question

From: BMSDC Community Planning
To: Janet Cheesley
Cc: Thurston Parish Clerk, Paul Bryant (BMSDC)
Dated: 26 March 2019
Subject: Question re paragraph 3.50 of the Plan

Dear Janet

I am replying on behalf of Mid Suffolk District Council and Thurston Parish Council to the question you have asked on paragraph 3.50 of the Plan which refers to the foot crossing over the railway lines at Thurston Railway Station.

I am attaching a note [\[see below\]](#) which sets out the background and the Council's response together with an e-mail from the Parish Council setting out their position. [\[see below\]](#)

I hope this is sufficient to answer your question. Please let me know if you require clarification or further information.

Regards

* * * * *

Note

Examiner Question ...

I am seeking clarification with regard to paragraph 3.50 in the Neighbourhood Plan.

3.50 'Access to the westbound platform is via the Barrow Foot Crossing over the two rail lines. Network Rail acknowledges that there is a need to mitigate passenger risk but to date a solution has not been found. **The approved development in late 2017 will move the cumulative passenger risk into a higher category and mitigation measures should be in place prior to increased development.** Car parking at the station is inadequate and is impacting increasingly on the village.'

I am seeking clarification with regard to the highlighted sentence. I am unsure whether this sentence means mitigation measures should be in place prior to the development of the sites with planning permission, or whether it means that mitigation measures should be in place before any further development, above that already permitted, should be allowed. It would be helpful if this could be clarified.

The situation re the Barrow Foot Crossing is complex but the following, most of which has been kindly provided by the Parish Council in response to your question (see attached e-mail for full response from Thurston PC), hopefully provides the clarification you seek.

In Summary: Thurston Parish Council are of the view that mitigation measures should be in place prior to any further development, above that already permitted, being allowed. The Parish Council also advise that, despite a number of meetings with key stakeholders to find a practical and/or affordable solution, no measures have been found to date to reduce the safety risk identified by Network Rail, and that they will continue to actively seek to ensure that those same stakeholders continue to meet to discuss this situation.

Background: As stated, rail passengers wishing to access westbound rail services are required to cross the rail tracks via the Barrow Foot Crossing (shown in the photo on page 22 of the NP). At the time that the five applications now shown as sites A to E on Policies Maps 13 and 14 where

being considered, studies undertaken by Network Rail to assess the cumulative impact of these developments concluded that these would give rise to a significant increase in pedestrian usage which would move the crossing into a high risk category and that mitigation would be required. Given this, the Parish Council contended at the planning application stage that a solution to the impact of increased usage should be mitigated before permission to develop be granted. Network Rail's preferred option is to close the level crossing and replace it with a new pedestrian ramp down the embankment leading onto Beyton Road. Obviously, there is a cost involved with this and a question as to how and from where it would be funded.

The planning applications were subsequently granted with a condition (for all bar application 5010/16 (2797/16) [Site C]) that prior to commencement of development, a Railway Users Plan be submitted to the Local Planning Authority in which, amongst other conditions, details would be provided and given to new occupiers, explaining the operation of the existing level crossing and how it should be used. Without specific mitigation measures the Parish Council feels that future growth will exacerbate the issue and, therefore, that no further development, beyond that which was approved in late 2017, should be considered on safety grounds unless mitigation measures are introduced and contributions are provided in order to fund specific measures that will ensure the station is safe for all users.

I provide below links to (1) the published 'Agenda Document for Mid Suffolk Planning Referrals Committee' who sat on 1 Nov 2017 to consider the five applications in Thurston and (2) the Minutes of that meeting. The section headed 'Railway Station Safety Issues' (Agenda document pages 24-25) and the summary of Network Rail's response to the various applications (see Agenda document page 156 and repeated elsewhere throughout) might be helpful. [NB: Note also that the Agenda document runs to some 1130 pages in total].

- (1) <https://babberghmidsuffolk.moderngov.co.uk/documents/g1164/Public%20reports%20pack%201st-Nov-017%202014.00%20Mid%20Suffolk%20Planning%20Referrals%20Committee.pdf?T=10>
- (2) <https://babberghmidsuffolk.moderngov.co.uk/documents/g1164/Printed%20minutes%2001st-Nov-2017%202014.00%20Mid%20Suffolk%20Planning%20Referrals%20Committee.pdf?T=1>

You will see from the above that the view was taken that it would not be appropriate to seek S106 contributions for crossing improvements but rather they should be funded from CIL. The District Council is also mindful that the calculation of risk is not simple and is a precise technical point as to when and under what circumstances it changes. Therefore the view has been taken that, although it is recognised that the crossing needs improvement, there is not sufficient justification at present for this being used as a reason for refusing planning applications.

[- Ends -]

E-mail from the Parish Council ...

Dear Paul,

Hopefully this will clarify along with the attachments. Please advise if this is not the sort of answer being sought.

"In order to access the Cambridge-bound service, users are required to cross the 2 rail tracks on foot via the Barrow Level Crossing. Network Rail have noted from their census of daily Barrow Crossing usage at Thurston Railway Station that on 10% of days the daily track crossing exceeds 200 which would be comparable with a D3 risk categorization (requiring Barrow Crossing problem resolution). Copies of their studies from both 2015 and 2017 are attached.

Despite holding a number of meetings with all key stakeholders no practical and/or affordable measures have been found to date to reduce the safety risk.

Given the above, the Parish Council contended at the planning application stage for the 5 significant planning applications (as outlined under Policies Maps 13 and 14 of the Submission Document) that a solution to the impact of increased usage should be mitigated before permission to develop be granted. Network Rail submitted a paper (attached) detailing their concerns and requests for funding from development in the form of a legal agreement as CiL funding was in no way guaranteed for the measures being proposed.

The planning applications were granted with a condition (for all bar application 5010/16 (2797/16)) that prior to commencement of development, a Railway Users Plan be submitted to the LPA in which, amongst other conditions, details would be provided and given to new occupiers, explaining the operation of the existing level crossing and how it should be used. Without specific mitigation measures the Parish Council feels that future growth will acerbate the issue.

Given the increase in risk and increased usage at the station that has been identified, the Parish Council believes that no further development, beyond that which was approved in late 2017, should be considered on safety grounds unless mitigation measures are introduced and contributions are provided in order to fund specific measures that will ensure the station is safe for all users.

I have been asked to confirm that the highlighted section in paragraph 3.50 of the Neighbourhood Plan as per the email below confirms the Parish Council's stance that mitigation measures should be in place prior to any further development, above that already permitted, be allowed.

The Parish Council is actively seeking to ensure that all relevant stakeholders continue to meet to discuss this situation.”

Regards

Mrs V S Waples
Clerk & Proper Officer to the Council



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RAIL-740519.pdf



144179 Thurston
Station Level Crossing



FOI201800247 -
Thurston Station-SBC