

# **Baylham Neighbourhood Plan 2024 - 2037**

**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 Baylham Neighbourhood Plan has a clear vision supported by ten objectives.
2. In December 2021 Inspectors in the process of examining the emerging Joint Local Plan (JLP) (November 2020) requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. The settlement hierarchy was to be a consideration for Part 2 of the JLP. Mid Suffolk District Council has subsequently decided to proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan.
3. Mid Suffolk District Council has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging JLP should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of these indicative numbers. That emerging JLP did not provide a minimum housing requirement figure for the Baylham Parish.
4. The neighbourhood plan does not allocate sites for development. Instead, it sets criteria-based policy requirements. Focus for development will be within a newly defined Settlement Boundary. Development outside the Settlement Boundary will be restricted and will be required to be in accordance with national, district and neighbourhood level policies.
5. It may well be that the future JLP review may amend the Settlement Boundary and may allocate sites for housing in the Parish. Nevertheless, prior to any new JLP spatial strategy, I have found that the Settlement Boundary has been defined in a logical way, taking into consideration the settlement character.
6. I have recommended modification to some of the policies in the Plan. These modifications are predominately in the interest of clarity and precision. My reasons with regard to all the suggested modifications are set out in detail below.
7. I have found that the proposed Local Green Spaces Areas 1-4 do not meet the criteria for designation as Local Green Spaces. None of the recommended modifications significantly or substantially alters the intention or nature of the Plan other than my recommended deletion of these sites from the list of Local Green Spaces.
8. Where a recommendation would significantly or substantially alter the intention or nature of a neighbourhood plan, guidance in the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners* advises that the Parish Council is informed and given the opportunity to withdraw the plan from examination. I informed the Parish Council of my intention to delete the Areas 1-4 from the list of Local Green

Spaces, and they confirmed that they wished for me to continue with the examination. I invited further representations on this matter. None of the representations have altered my conclusion on this matter.

9. **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 Baylham Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Baylham Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

10. On 30 May 2023 Mid Suffolk District Council (MSDC) approved that the Baylham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The Area covers the whole of the Parish of Baylham. The qualifying body is Baylham Parish Council. The Plan covers the period 2024 to 2037.
11. I was appointed as an independent Examiner for the Baylham Neighbourhood Plan in March 2025. 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 the 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 under EU Obligations.
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 final Baylham *Neighbourhood Development Plan 2024 – 2037 SEA Screening Opinion* was prepared by Land Use Consultants in September 2024. It refers to the Plan not directly impacting on land use through the allocation of sites for housing or other forms of development. It concludes: *on this basis it is considered that the Baylham Neighbourhood Plan is unlikely to have significant environmental effects and full SEA is therefore not required.* Historic England and Natural England, as statutory consultees, concurred with this opinion.
19. MSDC prepared the *Baylham Neighbourhood Plan 2024 - 2037 Strategic Environmental Assessment and Habitat Regulation Assessment Determination Notices* in November 2024. It concludes: *In light of the SEA Screening Report (Oct 2023) prepared by LUC and having also considered the responses to this from the statutory consultees, it is our determination that the Baylham Neighbourhood Plan (September 2024) **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 final *Baylham Neighbourhood Plan 2024-2037 Habitats Regulations Assessment Screening Report* was prepared by Land Use Consultants in September 2024. Five European sites were identified as lying within 20km of the neighbourhood plan area:
22. The screening conclusion explains: *Since none of the policies of the Baylham Neighbourhood Plan are expected to directly result in development, they will not result in significant effects on European sites. Therefore, consideration does not need to be given to the potential impact pathways to each European site. The conclusion states: At the Screening stage of the HRA, no likely significant effects are predicted on European sites as a result of the Baylham Neighbourhood Plan, either alone or in combination with other policies and proposals.* Natural England concurred with this opinion.
23. The *Baylham Neighbourhood Plan 2024 - 2037 Strategic Environmental Assessment and Habitat Regulation Assessment Determination Notices* prepared by MSDC determined: *In light of the HRA Screening Report (September 2024) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Baylham Neighbourhood Plan is ‘**screened out**’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.*
24. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan did not breach the requirements of

Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

25. 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

26. The *National Planning Policy Framework* (NPPF) (December 2024) 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.
27. This neighbourhood plan and Basic Conditions Statement include references to the updated December 2024 version of the NPPF. Paragraph 239 in that version of the NPPF states: *For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025. As this neighbourhood plan was submitted to MSDC prior to 12 March 2025, it is being examined under the policies of the former version of the NPPF (December 2023).* I suggest that this is mentioned in the Plan in an appropriate paragraph. **I see this as a minor editing matter.**
28. All subsequent references to the NPPF in this report are from that former version of the NPPF, unless specified, although I appreciate that the neighbourhood plan does refer to the updated 2024 NPPF.
29. The Basic Conditions Statement refers to the NPPF December 2024, whereas the submitted Plan is being examined against the NPPF 2023. In the circumstances of the policies in this Plan and the sections of the NPPF 2024 referred to in the Basic Conditions Statement, this is not materially significant and thus I do not consider it necessary to revise the Basic Conditions Statement.
30. 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, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

31. Baylham Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Baylham Neighbourhood Plan Area comprises the Babergh and Mid Suffolk District Council's Joint Local Plan Part 1 (JLP) adopted on 21 November 2023. Some policies from previous Development Plan documents have been saved and these remaining saved policies also form part of the Development Plan. None of the saved policies are strategic policies relevant to the Baylham Neighbourhood Plan. The Submission Neighbourhood Plan was prepared having regard to the JLP policies.
32. Babergh and Mid Suffolk District Councils have confirmed that they will now proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan. For now, Part 1 of the Joint Local Plan remains in place. A new Joint Local Development Scheme, which sets out the timetable for the production of this new Joint Local Plan was published on 5 March 2025. MSDC has suggested revised wording for paragraphs 3.5 and 6.2 in the neighbouring plan in their Regulation 16 representations to reflect that there will be a full review of the Joint Local Plan. **I see these as minor editing matters.**
33. The strategic policies in the development plan include policies regarding housing provision, climate change and the conservation and enhancement of the natural and historic environment.

## **The Neighbourhood Plan Preparation**

34. 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 (as amended).
35. The initial consultation process began with a survey delivered to all households in the Parish in February 2020. This was followed by a 'drop-in' event in March 2023.

36. The consultation period on the pre-submission draft of the Plan ran from 6 September to 21 October 2024. The consultation was publicised in a summary leaflet that was distributed to every household and business in the Parish. A 'drop-in' event was held on two dates in September 2024. Hard copies of the Plan were made available to view at the 'drop-in' event and to borrow from the Parish Church.
37. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. 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.
38. MSDC publicised the submission Plan for comment during the publicity period between 10 February and 28 March 2025 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of nine responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
39. Further consultation was carried out between 22 April and 7 May 2025 following notification from me to the Parish Council that proposed Local Green Spaces Areas 1-4 did not meet the criteria for designation and thus I intended to recommend that these areas be deleted from the list of Local Green Spaces. 9 responses were received. None of them raised objection. I am satisfied that all these responses can be assessed without the need for a public hearing.
40. 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 Baylham Neighbourhood Plan**

41. Background information is provided throughout the Plan and in accompanying reports. A clear vision for the Parish has been established and is supported by ten objectives.
42. 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.

43. 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.
44. 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).
45. 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.
46. 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.
47. MSDC has pointed out that paragraph 1.11 should refer to the updated Heritage Asset Assessment (December 2024). **I see this as a minor editing matter.**
48. 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.

### **Policy BAY 1 - Spatial Strategy**

49. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
50. Policy SP01 in the adopted JLP seeks to deliver a minimum of 10,165 net additional dwellings in the District over the plan period (535 dwellings per annum).
51. In December 2021 Inspectors in the process of examining the emerging JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for

neighbourhood plan areas, the spatial distribution and settlement boundaries. The settlement hierarchy was to be a consideration for Part 2 of the JLP. It has subsequently been decided to proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan.

52. MSDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging JLP (November 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of these indicative numbers. That emerging JLP did not provide a minimum housing requirement figure for the Parish of Baylham.
53. Policy SP03 in the adopted JLP retains Settlement Boundaries from earlier Local Plans and Core Strategies. These were to be reviewed, where necessary as part of what was to be the preparation of the Part 2 Plan. Policy SP03 seeks to resist development outside these Settlement Boundaries, subject to a list of exceptions. For Baylham, the Settlement Boundary is that defined in the Mid Suffolk Local Plan 1998.
54. I note that the new NPPF (2024) introduced a revised Standard Method for calculating local housing need. This increased the number of new homes to be planned for in Mid Suffolk District by 37%, above the requirement set out in the JLP.
55. The neighbourhood plan does not allocate sites for development. Instead, it sets criteria-based policy requirements. A neighbourhood plan is not required to allocate sites for housing development, whilst at the same time it must ensure that it is in general conformity with strategic policy.
56. The above paragraphs are relevant to Policies BAY 1 and BAY 2.
57. The proposed revised Settlement Boundary in the neighbourhood plan has been drawn to exclude the rear of long gardens. The *Baylham Design Codes and Guidance* (April 2024) explains that the most dominant settlement pattern is linear ribbon development. The guidance seeks to ensure that new development should complement the existing streetscene and contribute positively to the prevailing street character, in order to protect the existing distinct linear built form. The proposed revised Settlement Boundary has been drawn specifically to resist backland development.
58. Policy BAY 1 seeks to accommodate development commensurate with policies in the JLP. Focus for development will be within a newly defined Settlement Boundary. Development outside the Settlement Boundary will be restricted and will be required to be in accordance with national, district and neighbourhood level policies.
59. It may well be that the future Joint Local Plan review may amend the Settlement Boundary and may allocate sites for housing in the Parish. Nevertheless, prior to any new Joint Local Plan spatial strategy, from my observations, I consider that the Settlement Boundary has been defined in a

logical way, taking into consideration the settlement character. Therefore, I consider that Policy BAY 1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 1 meets the Basic Conditions.

### **Policy BAY 2 - Housing Development**

- 60. Paragraph 72 in the NPPF, in the context of considering an allowance for windfall sites, states that plans should consider the case for setting out policies to resist inappropriate development on residential gardens, for example where development would cause harm to the local area.
- 61. Policy BAY 2 does not allocate sites for housing development. The accompanying justification explains that this is due to the policy framework in Policy SP03 in the adopted JLP together with the lack of services and facilities in the Parish.
- 62. Policy BAY 2 has a general presumption in favour of housing within the revised Settlement Boundary, subject to a list of criteria. These include that the development should be within an existing frontage and would not comprise backland development. Following on from my reasoning under Policy BAY 1, I consider the presumption in favour of small infilling developments within the Settlement Boundary has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 2 meets the Basic Conditions.

### **Policy BAY 3 - Baylham Area of Local Landscape Sensitivity**

- 63. Paragraph 180 in the NPPF requires the planning system to contribute to and enhance the natural and local environment; including protecting and enhancing valued landscapes. This is particularly relevant to Policies BAY 3, BAY 4, BAY 5 and BAY 6.
- 64. Policy SP09 in the JLP requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In addition, all development will be required to protect and enhance biodiversity. This policy is relevant to Policies BAY 3, BAY 4, BAY 5, BAY 6, BAY 7, BAY 8, BAY 9, BAY 10 and BAY 14.
- 65. Policy BAY 3 identifies an Area of Local Landscape Sensitivity that covers the whole Plan area. Parts of the Parish were previously covered by a former Special Landscape Area designation.
- 66. Background evidence for the Area of Local Landscape Sensitivity designation is found in the background document: *Baylham Neighbourhood*

*Plan Landscape Assessment: Character and Sensitivity and Key Views (May 2024)*. Methods follow nationally accepted best practice and available guidance. I am satisfied that this study provides robust evidence to justify the designation of the Area of Local Landscape Sensitivity.

67. I realise the Plan has to be read as a whole. However, I am concerned because the Area of Local Landscape Sensitivity covers all of the Parish and in particular Local Green Space where restrictions on development are more draconian than those outlined in Policy BAY 3. Therefore, in the interest of precision, I recommend reference in Policy BAY 3 to other policies in the Development Plan where relevant.
68. Policy BAY 3 and a number of other policies refer to supporting documents. Where they do so, in the interest of precision, they should refer to the full titles and dates of these documents. Rather than refer to this matter under each policy, I will make a general recommendation here. Subject to such a full reference to the Landscape Assessment document and reference to other relevant policies, Policy BAY 3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 3 meets the Basic Conditions.
69. **Recommendation: to meet the Basic Conditions I recommend:**

**1) modification to Policy BAY 3 to read as follows:**

**Policy BAY 3 - Baylham Area of Local Landscape Sensitivity**

**Development proposals in the Baylham Area of Local Landscape Sensitivity, as identified on the Policies Map, will be permitted only where they:**

- i. protect or enhance the special landscape qualities of the area, identified in the Baylham Neighbourhood Plan Landscape Assessment: Character and Sensitivity and Key Views (May 2024); and**
- ii. are designed and sited so as to harmonise with the landscape setting; and**
- iii. are in accordance with other relevant policies in the Development Plan.**

**Proposals that have a significant detrimental impact on the landscape quality of the Parish will not be supported.**

**2) where documents are referenced in policies in this neighbourhood plan, their full titles and dates should be included.**



## Policy BAY 4 - Protection of Important Views

70. Policy BAY 4 seeks to protect Important Views and requires all proposals for new buildings outside the Settlement Boundary to be accompanied by a Landscape and Visual Impact Appraisal. PPG advises that proportionate, robust evidence should support the choices made and the approach taken in any policy in a neighbourhood plan. In this particular instance, robust evidence supporting the identification of the Important Views is provided in the *Baylham Neighbourhood Plan Landscape Assessment: Character and Sensitivity and Key Views May 2024*. I have seen the Important Views and understand their significance to the local community.
71. As regards the requirement for a Landscape and Visual Impact Appraisal, there may be instances where other appropriate and proportionate evidence would be more suitable. This has been indicated in the accompanying paragraph 7.13, which also refers to an 'Assessment', rather than an 'Appraisal'. In the interest of precision, I have suggested revised wording for the beginning of the last paragraph in Policy BAY 4 to align with that in paragraph 7.13.
72. Subject to the above modifications, Policy BAY 4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 4 meets the Basic Conditions.
73. Policy BAY 4 should refer to 'Settlement Boundary' rather than 'Settlement Boundaries'. **I see this as a minor editing matter.**
74. **Recommendation: to meet the Basic Conditions, I recommend modification to the beginning of the second paragraph in Policy BAY 4 to read as follows:**
- Proposals for new buildings outside the Settlement Boundary should be accompanied by a Landscape and Visual Impact Assessment, or other appropriate and proportionate evidence, that demonstrates how the proposal:**

## Policy BAY 5 - Biodiversity and Habitats

75. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing sites of biodiversity and minimising impacts on biodiversity and providing net gains in biodiversity.
76. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain (BNG) to be a condition of receiving planning permission. The requirement for a minimum of 10% biodiversity net gain came into force on 12 February 2024 for major developments and on 2 April 2024 for small sites.

77. JLP Policy SP09 requires development to protect and enhance biodiversity through biodiversity net gain. Whilst not a strategic policy, JLP Policy LP16 seeks a minimum of 10% increase in biodiversity.
78. Policy BAY 5 seeks to protect and enhance biodiversity, including through biodiversity net gain. Comprehensive background evidence is provided in the *Landscape and Biodiversity Evaluation Baylham, Mid Suffolk December 2023*.
79. There are certain types of development that are exempt from biodiversity gain. In the interest of clarity, I suggest the addition of a footnote to the fourth paragraph in Policy BAY 5 to explain these exemptions.
80. Subject to the above modification, Policy BAY 5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 5 meets the Basic Conditions.
81. **Recommendation: to meet the Basic Conditions, I recommend the addition of a footnote to the fourth paragraph in Policy BAY 5 to read as follows:**

**Certain types of development are exempt from Biodiversity Net Gain, these are: permitted development rights; householder applications; development which only has a 'de minimis' impact on habitats; developments undertaken for the purpose of fulfilling the BNG planning condition for another development; high-speed railway network; and certain self-build and custom build developments.**

### **Policy BAY 6 - Local Green Spaces**

82. The NPPF in paragraphs 105 - 107 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.*

83. I have visited the Parish and seen the proposed Local Green Spaces (LGS). The justification for the designation of the LGS is found in supporting evidence in the *Baylham Neighbourhood Plan Landscape Assessment: Character and Sensitivity and Key Views May 2024* and the *Baylham Neighbourhood Plan 2024 - 2037 Local Green Space Assessment January 2025*. I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period.
84. My comments on each of the proposed LGS sites are set out below.
85. *LGS Area 1.* This site is local in character and in reasonable proximity to the local community. Whilst a large site, it is not an extensive tract of land. The *Local Green Space Assessment* explains that this area is demonstrably special to the local community because it provides views across the valley and is defined as an Area of Local Landscape Sensitivity in the *Landscape Assessment: Character and Sensitivity and Key Views Report*.
86. I note that the site has no ecological or historical significance. Whilst there are views across the valley, the whole Parish is designated as an Area of Local Landscape Sensitivity under Policy BAY 3. Thus, I do not consider the designation as an Area of Local Landscape Sensitivity of this site to be demonstrably special in terms of designation as a LGS.
87. Whilst I have considered the designations of Areas 2, 3 and 4 separately, I have combined them within my reasoning.
88. *LGS Areas 2, 3 and 4.* These sites are local in character and in reasonable proximity to the local community. Individually, they are not extensive tracts of land. These areas comprise paddocks and arable land. The *Local Green Space Assessment* explains that these areas are demonstrably special to the local community because they provide views across the valley and are defined as part of the Area of Local Landscape Sensitivity in the *Landscape Assessment: Character and Sensitivity and Key Views Report*. In addition, Baylham Common is referenced in the Suffolk Landscape Appraisal '18 Rolling Valley Farmlands EP/Edit1/02.08.10' as one of only 5 historically named arable commons in Suffolk. I note from that document that this is former common arable land.
89. Whilst there are views across the valley, the whole Parish is designated as an Area of Local Landscape Sensitivity under Policy BAY 3. Thus, I do not consider the designation as an Area of Local Landscape Sensitivity on these sites to be demonstrably special in terms of designation as LGS.
90. I requested clarification from the Parish Council as to the extent of Baylham Common. I was informed that there is no documentary evidence which, to

the Parish Council's knowledge, constrains the boundary of the Common. From my visit to the Parish and the fact that the boundaries of the common are not clearly defined, it does appear that any historical significance of these proposed LGS can no longer be recognised as demonstrably special.

91. For the above reasons, I do not consider the designation of Areas 2, 3 and 4 to be demonstrably special in terms of designation as LGS.
92. *LGS Area 5.* This site is local in character and in reasonable proximity to the local community. It is not an extensive tract of land. The *Local Green Space Assessment* explains that this area of meadowland is demonstrably special to the local community because it provides a transition between the village and agricultural fields to the north and is defined as an Area of Local Landscape Sensitivity in the *Landscape Assessment: Character and Sensitivity and Key Views* Report.
93. I do not consider its location within the Area of Local Landscape Sensitivity to be demonstrably special as the whole Parish is designated as such. There is a footpath across this site, which is well contained by hedgerows. It lies within the Special Character Area in Policy BAY 8. From my observations, I do consider that this site is demonstrably special to the local community as it is contained meadowland which does provide a transition between the village and agricultural fields. I am satisfied that this site meets the criteria for designation.
94. I do not consider that there is robust evidence to meet the criteria to justify the designation of Areas 1, 2, 3 and 4 as LGS. Where a recommendation would significantly or substantially alter the intention or nature of a neighbourhood plan, guidance in the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners* advises that the Parish Council is informed and given the opportunity to withdraw the Plan from examination. I informed the Parish Council of my intention to delete the proposed LGS designation on Areas 1,2,3 and 4 and they confirmed that they wished for me to continue with the examination. I invited further responses on this matter. None of the representations altered my conclusion on this matter.
95. For the above reasons, LGS Areas 1-4 should be deleted from Map 7 and the Policies Map and paragraph 7.20 modified to reflect these deletions. Subject to these modifications, Policy BAY 6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 6 meets the Basic Conditions.
96. **Recommendation: to meet the Basic Conditions, I recommend the deletion of LGS Areas 1-4 from Map 7 and the Policies Map and modification to paragraph 7.20 to reflect these deletions.**

## Policy BAY 7 - Design Considerations

97. Section 12 in the NPPF seeks to achieve well-designed and beautiful places. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
98. Paragraph 132 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 planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
99. Policy BAY 7 is a general design policy supported by background evidence in the *Baylham Design Codes and Guidance* (April 2024). This policy seeks a high quality safe and sustainable environment. Requirements of the Development Design Checklist from the *Baylham Design Codes and Guidance* should be satisfied as appropriate. The Development Design Checklist is based on good practice against which a design proposal should be evaluated. As the checklist is good practice, rather than policy, the second sentence in Policy BAY 7 should refer to the need to have regard to this checklist, rather than the need to satisfy the requirements of the checklist.
100. Whilst Policy BAY 7 refers to the Design Codes, for these to be a consideration for new development, in the interest of clarity I suggest that reference is made to taking account of the Design Codes.
101. Subject to the above modifications, Policy Bay 7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 7 meets the Basic Conditions.
102. I have the following comments to make on the *Baylham Design Codes and Guidance* (April 2024).
103. The NPPF explains in its glossary that Design Codes are design requirements, whereas a Design Guide is guidance. In the interest of precision, the second sentence in Paragraph 1.2 in the *Baylham Design Codes and Guidance* needs to distinguish between the two.

104. For a considerable time, it has not been possible to include technical standards for housing construction in neighbourhood plans. A Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update (13 December 2023) explains that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.
105. The last bullet point in paragraph 3.3.4 seeks building performance over and above building regulations. I have no robust evidence before me to justify otherwise than in accordance with the above Written Ministerial Statement. Thus, this bullet point should be deleted, together with the last bullet point in Appendix 2 in the Plan where it refers to this guideline.
106. As the *Baylham Design Codes and Guidance* (April 2024) is such an important background document, the Parish Council may wish to consider including the whole document as an appendix to the Plan. **I see this as a minor editing matter.**
107. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the second sentence in Policy BAY 7 to read as follows:**
- Planning applications should demonstrate how they have taken the Design Codes in the Baylham Design Codes and Guidance (April 2024) document into account and how they have had regard to the Development Design Checklist in Appendix 3 of the Neighbourhood Plan, as appropriate to the proposal.**
- 2) modification to the second sentence in Paragraph 1.2 in the *Baylham Design Codes and Guidance* (April 2024) to explain the difference between design guidance and design codes.**
- 3) the deletion of the last bullet point in paragraph 3.3.4 in the *Baylham Design Codes and Guidance* (April 2024).**
- 4) the deletion of the last bullet point in Appendix 2 in the Plan.**

### **Policy BAY 8 - Church Lane Special Character Areas**

108. Section 16 in the NPPF is concerned with conserving and enhancing the historic environment.

109. Policy BAY 8 identifies two Church Lane Special Character Areas. The *Heritage Assessment for the Parish of Baylham, Suffolk, Revision 3: December 2024* provides background evidence for the designation of the Church Lane Special Character Areas. It explains that parts of these areas were previously designated by MSDC as Visually Important Open Spaces. Whilst the Special Character Areas do not have statutory status, I am satisfied that there is robust evidence to identify these areas as requiring any proposed development to enhance the distinct characteristics of these areas.
110. Paragraph 3.7 in the background report refers to the identification of 19 buildings or structures as having some architectural or historic interest. It states that some of these buildings may qualify as non-designated heritage assets, but this formal categorisation is one to be made by the local authority. Map 8 in the neighbourhood plan identifies three of those buildings and structures as buildings or features of local heritage interest within the designated Special Character Areas. As those three buildings or structures are clearly not being identified as non-designated heritage assets in this Plan, they do not have a heritage status. Thus, in the interest of precision, the annotations on these buildings and structure should be deleted from Map 8. In addition, in the interest of precision, Policy BAY 8 should make it clear that it is referring to designated heritage assets.
111. The last sentence in Policy BAY 8 refers to the public benefits of a proposed scheme. This is a national requirement for development that may cause less than substantial harm to the significance of a designated heritage asset, outlined in paragraph 208 in the NPPF. I have not been provided with any justification as to why such a requirement should be necessary for these Special Character Areas. Therefore, in the interest of clarity and to have regard to national heritage policy, I recommend the deletion of that sentence from Policy BAY 8.
112. I realise the Plan has to be read as a whole. However, I am concerned because part of one of the Special Character Areas contains a Local Green Space, where restrictions on development are more draconian than those in Policy BAY 8. In the interest of precision, I recommend that Policy BAY 8 makes reference to national Local Green Space policy.
113. Subject to the above modifications, Policy BAY 8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BAY 8 meets the Basic Conditions.
114. **Recommendation: to meet the Basic Conditions, I recommend:**  
**1) modification to Policy BAY 8 to read as follows:**  
**Special Character Areas are identified on Map 8 and the Policies Map. Within these areas, as well as having regard to the need to preserve or enhance the significance of the designated heritage assets in or**

**adjoining the area, consideration should be given as to how a proposal enhances the distinct characteristics of that area.**

**The area of Local Green Space within a Special Character Area is subject to national Local Green Space policy.**

**2) the deletion of reference to buildings or features of local heritage interest on Map 8.**

### **Policy BAY 9 - Flooding and Sustainable Drainage**

- 115. Paragraph 157 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.*
- 116. Paragraph 173 in the NPPF explains that planning applications should not increase flood risk elsewhere. Where appropriate, applications should be supported by a flood risk assessment.
- 117. JLP Policy SP10 requires all development to mitigate and adapt to climate change by adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding.
- 118. Policy BAY 9 seeks to ensure that new development does not cause or exacerbate surface water or fluvial flooding elsewhere. I note that some of the Parish lies within the flood plain of the river Gipping and elsewhere areas are prone to surface water flooding.
- 119. Policy BAY 9 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 9 meets the Basic Conditions.

### **Policy BAY 10 - Dark Skies**

- 120. Paragraph 191 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 121. Policy BAY 10 seeks to minimise light pollution and minimise adverse effects of lighting schemes on wildlife. This has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 10 meets the Basic Conditions.



### **Policy BAY 11 - Community Facilities**

- 122. Paragraph 97 in the NPPF seeks to 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.
- 123. The JLP does not have a specific strategic policy with regard to retaining community facilities. Policy SP03 does cross refer to non-strategic community facilities policies with regard to development outside settlement boundaries. JLP Policy SP08 requires all development to make provision for appropriate contributions towards community infrastructure.
- 124. Policy BAY 11 supports the provision and enhancement of community facilities and seeks to prevent the loss of facilities and services, subject to a list of criteria. MSDC has not objected to this list of criteria, which I consider to be a reasonable list.
- 125. Policy BAY 11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 11 meets the Basic Conditions.

### **Policy BAY 12 - Farm Diversification**

- 126. Paragraphs 88 and 89 in the NPPF support a prosperous rural economy. Planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. The sustainable growth and expansion of all types of business in rural areas may be through the conversion of existing buildings.
- 127. Policy BAY 12 supports employment uses of redundant farm buildings and other rural buildings, subject to a list of criteria which includes that there would be no significant adverse effects on the environment, residential amenity and highways.
- 128. Paragraph 9.10 refers to new buildings as part of a farm diversification scheme. New buildings are not referred to in Policy BAY 12. Thus, in the interest of precision, paragraph 9.10 should be deleted, as it is not a policy requirement in the Plan.
- 129. Policy BAY 12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 12 meets the Basic Conditions.
- 130. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Paragraph 9.10.**

## **Policy BAY 13 - Parking Standards**

131. Paragraph 111 in the NPPF states: *If setting local parking standards for residential and non-residential development, policies should take into account:*
- a) the accessibility of the development;*
  - b) the type, mix and use of development;*
  - c) the availability of and opportunities for public transport;*
  - d) local car ownership levels; and*
  - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*
132. Policy BAY 13 sets out minimum residential parking standards that go beyond those in Suffolk County Council's guidance. It is clear that there is a high level of local car ownership. There is public transport, but this is not available in the evenings or Sundays. In addition, there are no day-to-day facilities in the Parish. I consider the circumstances of the Parish warrant the proposed parking standards for new dwellings and electric charging points, to ensure that cars do not create highway safety problems.
133. Policy BAY 13 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 13 meets the Basic Conditions.

## **Policy BAY 14 - Public Rights of Way**

134. Section 9 of the NPPF promotes sustainable transport with an emphasis on giving priority to pedestrian and cycle movements. Paragraph 104 also states that: *planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*
135. Policy BAY 14 supports the improvement and extension of Public Rights of Way (PROW), with an emphasis on safeguarding biodiversity. Suffolk County Council (SCC) has objected to the emphasis on safeguarding of biodiversity and suggested revised wording at the Regulation 14 consultation stage, which the Parish Council did not accept. SCC explained that the primary function of PROW is for access into the countryside, and not as a biodiversity feature, although this is a secondary benefit in many routes throughout the PROW network.
136. Notwithstanding the primary function of PROW, the requirement to safeguard biodiversity in Policy BAY 14 has regard to national policy where it seeks to protect and enhance sites of biodiversity and minimise impacts on



biodiversity. Thus, I see no need to modify the requirement in Policy BAY 14 to safeguard biodiversity in the PROW network.

137. The second sentence in Policy BAY 14 refers to development proposals enhancing biodiversity within PROW where practicable.
138. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
139. As the Plan is proposing only small-scale development within the Parish, I see limited scope for these tests to be met when it comes to development proposals enhancing biodiversity in PROW. Therefore, I recommend deletion of this reference in Policy BAY 14.
140. Subject to the above modification, Policy BAY 14 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy BAY 14 meets the Basic Conditions.
141. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the last sentence in Policy BAY 14.**

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

142. 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.
143. **I am pleased to recommend that the Baylham Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
144. I am required to consider whether or not the Referendum Area should extend beyond the Baylham Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

145. 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. In particular, paragraphs 1.7 and 3.5 will need updating.

**Janet Cheesley**

**Date 22 May 2025**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2023)  
The National Planning Policy Framework (2024)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012) (as amended)  
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  
Babergh and Mid Suffolk District Council's Joint Local Plan Part 1 (November 2023)  
Regulation 16 Representations  
Further Representations  
All Supporting Documentation submitted with the Plan  
Examination Correspondence (On the MSDC web site)