

# **Beyton Neighbourhood Plan 2018 - 2037**

## **Independent Examination correspondence document**

**First published: 16 June 2023**

**Last updated: 3 August 2023**

### **Introduction**

This document will provide a record of all general correspondence between the Examiner (Ann Skippers), the Parish Council (the Qualifying Body or 'QB'), and Mid Suffolk District Council during the examination of the Beyton Neighbourhood Plan. It will also record the details of any matters raised and the responses to these.

As required, specific documents will also be published on our Beyton NP webpage:

[www.midsuffolk.gov.uk/BeytonNP](http://www.midsuffolk.gov.uk/BeytonNP)

### **Copies of e-mails / letters etc. appearing on the following pages:**

- 1. E from Examiner dated 14 June 2023: Examination start, procedures etc.**
- 2. E from Examiner dated 19 June 2023: Update and questions for clarification (with response added 30 June 2023)**
- 3. E from Examiner dated 23 July 2023: Feedback on response to questions for clarification**

**1. E from Examiner dated 14 June 2023: Examination start, procedures etc.**

**Dated:** 14 June 2023  
**From:** Ann Skippers  
**To:** Paul Bryant and Caileigh Gorzelak (BMSDC), Ian Poole (Beyton NP Consultant),  
**fwd to:** *Graham Jones, Jonathan Wilson and Tina Newell (Beyton Parish Council)*  
**Subject:** Commencement of the Examination into the Beyton NDP  
**Attach:** Examination Note 1

Dear Paul, Ian, Caileigh

I am writing to confirm to you and the Parish Council that the examination of the above NDP has now started.

I attach the usual examination note which sets out what I trust is useful general information about the procedures for examinations.

If you or the Parish Council have any queries please do not hesitate to get in touch.

I hope to be able to update you about progress very soon, but at the present time I hope to have any queries of clarification with you by the end of the month.

Thank you for appointing me to undertake this one; I look forward to working on the Plan and visiting the area.

Kind regards  
Ann Skippers

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**Beyton Neighbourhood Plan Examination**

**Examination Note 1**

**Information Note from the Independent Examiner to the LPA and Qualifying Body**

Further to my appointment to undertake the independent examination of the above Neighbourhood Plan, this note aims to set out how I intend to conduct the examination. My role is to determine whether the Plan meets the basic conditions and other legal requirements.

**1. Communication**

It is important that the examination process is open and transparent to all interested parties. I hope to ensure that the Parish Council feels part of the process. My main point of contact will be the designated local planning authority contact, Paul Bryant.

Any correspondence (other than that relating to contractual matters) should be published on the local planning authority's website and the Parish Council's website in a timely manner.

If anyone else who is not the designated point of contact gets in touch with me direct, for example a local resident or planning consultant, I will refer them to the local planning authority contact in the first instance for assistance.

## **2. Examination documents**

I will access most documents electronically either from the local planning authority's website or on the Parish Council website or any dedicated Neighbourhood Plan website. If I have any trouble finding or accessing any documents, I will let you know so that these can be provided to me.

It would be also helpful, if not already done, if the local planning authority could confirm the adopted development plan and any saved policies. In addition if there are any emerging development plans, details of the stages reached and future programmes would be appreciated. In both cases, please direct me to relevant parts of your website or let me know how I can access the documents that you identify.

## **3. Late representations**

As a general rule of thumb late or additional representations will not be accepted. The only time when I will consider accepting a representation submitted after the consultation period has ended is in those cases where there has been a material change in circumstances since the six week consultation period has ended. For example national planning policy changes or a judgement may be handed down from the Courts. In these circumstances anyone wishing to introduce new evidence should fully justify why and in the case of substantial documents, indicate which parts of the document are relevant and why.

However, if a meeting or hearing is held, there may be further opportunities for comments to be made at my request to assist me in ensuring adequate examination of an issue.

## **4. Clarification procedures**

I may at any time during the examination seek written clarification of any matters that I consider necessary. This is quite common and should not be regarded as anything out of the ordinary. The usual time for response to any clarification queries is one to two weeks.

I must emphasise that this does not mean I will accept new evidence. In the interests of fairness to other parties, I cannot accept any 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 it is sent to the local planning authority contact in the first instance for their advice on this point.

If I find that there are significant issues which may prevent the Plan meeting the basic conditions I will let you know during the course of the examination as soon as I can so that options on how best to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of written correspondence, if it would be helpful to hold a meeting, I will suggest this and be in touch to make suitable arrangements. Any such meeting will be held in public and at the present time, be held virtually.

Any request for clarification and any response should be published on the relevant Council websites.

## **5. Visit to the Plan area**

I expect to be visiting the Plan area during the examination. Visits, where necessary, help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on any visit. If however, I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

If I am 'spotted' during my visit, I would appreciate it if I am not approached, but allowed to continue the visit unheeded.

## **6. Examination timetable**

The main determinants of how long the examination will take are firstly the number and complexity of the policies in the Neighbourhood Plan, the clarity of supporting documentation and evidence and the number and nature of any representations.

It may be there is very little correspondence from me during the examination. I will however endeavour to keep you updated on the progress of the examination. Please do not hesitate to contact me if you wish to know progress and have not heard from me.

## **7. The need for a hearing**

At the present time, I do not envisage there will be a need for a hearing. However, at any time before final report is issued, I may decide to call a hearing if I consider this is necessary to ensure adequate examination of any issue or to allow a person a fair chance to put a case.

If a hearing is necessary, I will let you know as soon as I can and be in touch to discuss the procedure and to make suitable arrangements at that time.

The period of notice for hearings is not prescribed, but typically 21 days' notice is given.

## **8. The 'Fact Check' stage**

A confidential draft of my report will be sent to the Parish Council and local planning authority to allow both parties to check whether there are any factual errors such as dates, sequence of events, names and so on. This is not an opportunity for further representations to be made. A period of a week or so is usually set aside for this purpose.

I find it very helpful if the local planning authority collates its own comments with those of the Parish Council into a single response or both separate responses are sent to me at the same time.

I will endeavour to issue my final report shortly after the fact check stage.

## **9. Procedural questions**

I hope this information is helpful. If the Parish Council or local planning authority have any questions relating to the examination process at this stage, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI  
Independent examiner  
14 June 2023

[Ends]

## 2. E from Examiner dated 19 June 2023: Update and questions for clarification (with responses added 30 June 2023)

**Dated:** 19 June 2023  
**From:** Ann Skippers  
**To:** Paul Bryant and Caileigh Gorzelak (BMSDC), Ian Poole (Beyton NP Consultant),  
**fwd to:** *Graham Jones, Jonathan Wilson and Tina Newell (Beyton Parish Council)*  
**Subject:** Questions of Clarification on the Beyton NDP Examination

Dear Paul, Ian and Caileigh,

I am making good progress with the above examination and have nearly completed my assessment.

Some matters have arisen on which I would be grateful for your kind assistance. Subject to the satisfactory resolution of these issues, I do not consider at this stage that a hearing will be needed, but this will depend on the information provided. It is not unusual at all for me to have a few queries or to ask for some further information (as you very well know) so I'd like to reassure the Parish Council that this is quite 'normal' for me.

I would be most grateful if both Councils as appropriate would respond to these queries which are detailed in the attachment. I have sent you this in word format so that some of the answers may be easily added in to it if you so wish. **[MSDC note: The queries are reproduced below. Responses added 30 June].**

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination so please may I ask for your response by close of business on Thursday 29 June. However, if a little more time is needed please let me know and of course if things come back to me sooner, I may be able to progress things a little quicker at this end.

It would be very helpful to me if all the answers could be collated together and that just one bundle of responses is sent to me by Paul at MSDC please.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kindest regards  
Ann

### **Beyton Neighbourhood Plan Examination Questions of clarification from the Examiner to the Parish Council and MSDC**

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

1. **Please could the PC confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any comments to me as part of this stage.**

The Parish Council's Schedule of Responses to the comments made are appended to the end of this response

2. **MSDC make a comment in their representation about Appendix 1 (Planning Consent for New Dwellings) and the need to update this. Please could this appendix be updated and sent to me?**

The Parish Council is happy to defer to the District Council's take on the situation concerning planning permissions.

**MSDC note:** To confirm, an updated version of Appendix 1 was appended to our Reg. 16 consultation response.

3. **In relation to Policy BTN 4, Land south of Bury Road, the concept diagram included on page 24 of the Plan is not the same as either site option in the AECOM Site Masterplans updated August 2022 document. I would invite the PC's comments on this.**

As noted in the Parish Council's comments on the R16 consultation, in preparing the Submission Neighbourhood Plan, AECOM were asked to amend the Site Masterplanning document to reflect the amended allocation for Policy BTN5. In doing so, they appear to have amended an earlier version of the document and we did not check the remainder of the document, only that the amendments in relation to the land opposite The Bear PH had been made. Diagram 1 of the Plan (Land south of Bury Road - Site Concept) is correct in that it shows 12 dwellings. This is as illustrated in the February 2021 Beyton Site Masterplans document available on the Parish Council's website which was available at the Regulation 14 pre-submission consultation.

<https://beyton.suffolk.cloud/assets/NP-Public-Info/The-Plan-and-Supporting-References/Draft-Beyton-Site-Masterplans-Feb-2021.pdf>

Given the Parish Council's comments concerning Policy BTN 5 (below) the Examiner might consider it appropriate to seek amendments to the February 2021 Masterplans document to delete reference to BTN 5?

4. **In relation to Policy BTN 5, Land opposite the Bear Public House, Tostock Road, the supporting text at paragraph 6.26 seems to be missing some wording and needs updating. Please could the PC provide the wording for an amended paragraph?**

Since the Neighbourhood Plan was submitted, development has commenced on an earlier planning consent for two dwellings on this site and is now at an advanced stage. Given this situation, Policy BTN 5 is now no longer deliverable, and it is suggested that it and the supporting paragraphs and diagrams are deleted from the Plan.

**MSDC note:** Given the above situation, the proposal to remove this allocation from the Plan seems logical. Consequential amendments to criterion ii in Policy BTN2 and the Policies Map would also need addressing

5. **Policy BTN 8 – Area of Local Landscape Sensitivity.** The supporting text refers to a separate Special Landscape Area Appraisal in paragraph 7.7 on page 33 of the Plan. Please could this document be forwarded to me? Was it submitted with the other supporting documents or available during the public consultation period(s)?

The document is attached to this response.

**See:** <https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Beyton-NP-SLA-Appraisal-Feb21.pdf>

It would appear that there was an oversight in publishing this document at R14 consultation and with submitting the document. The oversight is unfortunate and the Examiner might wish to ask the District Council to undertake a focused short consultation on the Appraisal and which the Parish Council would be pleased to support and facilitate at a local level.

6. **Please could you confirm whether View 15 (Policy BTN 10 – Protection of Important Views) should be included on the Policies Maps?**

The Parish Council confirms that View 15 identified on Map 9 should be on the parish wide Policies Map.

7. **Policy BTN 11 – Local Green Spaces (LGS).** I have noted that proposed LGS 4 the Pond, east of the Green; LGS 5 Verges between The Green and The Bear Public House; LGS 11 Meadow adjoining Quaker Farmhouse, Quaker Lane; and LGS 12 Open space opposite Beyton House all appear to have slightly different boundaries between the detailed maps in the LGS Appraisal document and the Policies Maps. Please could this be clarified?

In respect of the anomalies identified:

LGS 4 – it is acknowledged that there is a drafting error on Inset Map North in this respect and that it should reflect the boundary in the Local Green Space Assessment.

LGS 5 – it is acknowledged that the Local Green Space Assessment is different in terms of verges covered [to] that on Inset Map North. In this respect, given that the Inset Map has been subject to consultation, the Local Green Space should be amended to reflect the content of the NP.

LGS 11 - it is acknowledged that there is a drafting error on Inset Map South in this respect and that it should reflect the boundary in the Local Green Space Assessment

LGS 12 – in this instance, the boundary on Inset Map South is correct as it goes up to the physical boundary of the space. The Assessment only illustrates it up to the edge of the planting along the western edge and the map should be corrected.

**8. The owner of one of the proposed non-designated heritage assets in Policy BTN 12 – Buildings of Local Significance – the Old Mill – has objected to its inclusion on the list. I invite the PC to comment.**

The Assessment of Buildings of Local Significance identifies the qualities of the Old Mill. Property owners do not have to give permission for buildings or features to be designated as a heritage asset and, as noted in paragraph 55 of Historic England’s Local Heritage Listing Advice Note 7<sup>1</sup> “there is no statutory requirement to consult owners before adding an asset to the local list”. The Parish Council remains of the opinion that the qualities and features of the Old Mill meet the criteria of the Historic England Advice Note and should remain in Policy BTN 12.

**9. Policy BTN 13 – Heritage Assets refers twice to AECOM Design Guidelines; is the same document as the Design Codes?**

The Parish Council can confirm that the policy should refer to the Design Codes.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination. Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

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

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
19 June 2023

[Ends]

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<sup>1</sup> <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag301-local-heritage-listing/>

## Beyton Neighbourhood Plan

### Beyton Parish Council's response to comments received at Regulation 16 Consultation stage

Body	Parish Council response
1) Suffolk County Council	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>BTN7 – The Parish Council recognises that Beyton has an aging population and this is referred to in paragraph 6.6 of the submitted Plan. Further, the Parish Council is fully supportive of new homes meeting adaptable standards and asks the Examiner to consider the inclusion of the wording recommended by the County Council in Policy BTN 7.</p> <p>BTN11 – The Parish Council considers that the verges referred to (site 5) meet the criteria for designation as Local Green Space. The designation of Local Green Spaces does not preclude the County Highways Department, for example, carrying out works that are permitted development (as most highway works are). While the verges do read as forming part of the wider village green they are distinct and separate in that they are separated by wide roads and therefore warrant a separate identity in the Plan.</p> <p>BTN16 – The Parish Council would support such a criterion being included in the policy if the Examiner considers it would meet the Basic Conditions and not repeat policies in the development plan.</p>
2) Mid Suffolk District Council	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>BTN 2 - The Parish Council is happy to reconcile the content of Appendix 1 with the information provided by the District Council. Given that the Appendix provides data up to 1 January 2021, it may be appropriate to bring the data up-to-date should the Examiner consider it helpful for the Plan.</p> <p>BTN3 - The Parish Council agrees that the reference should be to Map 4. The Pre-submission Plan did not contain causes iv. and v. but these have been added as a result of comments received from the County Council and to reflect the outcomes of the <a href="#">AECOM Environmental Report</a></p> <p>It is agreed that in iv. reference should be made to Policy BTN13.</p> <p>BTN4 - In preparing the Submission Neighbourhood Plan AECOM were asked to amend the Site Masterplanning document to reflect the amended allocation for Policy BTN5. In doing so, they appear to have amended an earlier version of the document and we did not check the remainder of the document, only that the amendments in relation to the land opposite The Bear PH had been made. Diagram 1 of the Plan (Land south of Bury Road - Site Concept) is correct in that it shows 12 dwellings. As a way forward it is suggested that the original <a href="#">Site Masterplanning document</a>, available on the Beyton Parish Council website, should be amended to delete the details of the site allocated in BTN5 if the Examiner agrees to delete that site from the Plan (see below).</p> <p>In assessing the Policy it is noted that the site area should be 0.8 hectares and not the 1.1 hectares stated in the policy.</p>

Body	Parish Council response
	<p>BTN5 - Since the Neighbourhood Plan was submitted, the construction of two dwellings on this site which were approved in 2016 and for which work had officially "commenced" in 2019 has now made significant progress, such that the proposal in Policy NTN5 can no longer be implemented. The Parish Council would therefore suggest that Policy BTN5 and paragraphs 6.26 to 6.29, Map 7 and Diagram 2 are deleted from the Plan and Policy BTN and associated paragraphs are amended. Policy BTN 2 should state 37 dwellings rather than 43 to take account of the net loss in removing the site in Policy BTN 5.</p> <p>BTN8 - The Special Landscape Area Appraisal is attached to this response.</p> <p>BTN9 - An audit is not considered necessary in order for the Neighbourhood Plan to meet the Basic Conditions</p> <p>Policies Map -The Parish Council agrees that the errors identified by the District Council could be addressed in the Referendum version which will have to be amended anyway if Policy BTN5 is deleted.</p>
3) East Suffolk Council	Noted
4) Anglian Water	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>BTN1 – nothing further to add            BTN 11 – nothing further to add            BTN16 – cross reference to BTN19 is not considered necessary            BTN17 – nothing further to add            BTN19 – the suggested reference to run-off rates is not considered necessary in order to meet the Basic Conditions</p>
5) Water Management Alliance	<p>The organisation did not comment at the Regulation 14 Pre-Submission Stage</p> <p>Comments noted</p>
6) National Highways	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>The Parish Council remains concerned about the impact of the A14 on the village, especially at this time when traffic is diverting through the village centre to avoid queues on the A14 arising from the reconstruction of the carriageway between Junctions 47 and 49.</p>
7) Rogers	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>BTN2 – The matter of density is addressed in Policy BTN 16 – Design Considerations and the Design Guidance. The ability for neighbourhood plans to require net carbon zero homes is constrained by a Written Ministerial Statement of 2015 that does not allow such local policies.</p> <p>BTN12 – Permission of the owner to have a building designated as a Building of Local Significance is not required. It is not considered that evidence has been provided to demonstrate that The Old Mill is not of historic, architectural, archaeological, or artistic interest.</p>

Body	Parish Council response
8) Livall	<p>This person did not comment at the Regulation 14 Pre-Submission Stage</p> <p>The Neighbourhood Plan is not required to address the matters raised as the Neighbourhood Plan Regulations are not prescriptive on what should or should not be included.</p>
9) Defence Infrastructure Organisation	<p>The Defence Infrastructure Organisation did not comment at the Regulation 14 Pre-Submission Stage</p> <p>No comments</p>
10) Historic England	<p>Comments were submitted at the Regulation 14 Pre-Submission Stage</p> <p>Nothing further to add</p>

### 3. E from Examiner dated 23 July 2023: Feedback on response to questions for clarification

**Dated:** 23 July 2023  
**From:** Ann Skippers  
**To:** Paul Bryant (BSMDC), Ian Poole (Beyton NP Consultant),  
**Subject:** Beyton NDP Examination

Dear Paul and Ian,

Thank you all for responding to the questions of clarification and sending me the PC's comments on the Reg 16 representations.

I'm sorry it has taken me a bit of time to get to this point. In looking at these documents today, I see that there is a suggestion that a further focused period of consultation is organised to ensure that a supporting document on the proposed Area of Local Landscape Sensitivity (Policy BTN 8) has received the requisite consultation. I think this would be advisable. I suggest a period of two weeks is given for this focused consultation and of course the usual provisos of all reps which have already been made will be rolled forward etc. The PC should be afforded a short period of time (a week) to comment on any or all of any reps received should they wish to do so.

In addition, as we are undertaking this additional consultation, I wondered if the PC would also like to take the opportunity to make any amendments to the proposed Local Green Spaces – [the] Verges between The Green and The Bear Public House? At present the mapping on the Policies Map is being used and taken forward. If this is what the PC expect, there no need to complicate the matter further, but if the details shown in the Assessment document are preferred, this could be consulted upon at the same time. If this is consulted upon, a map of the spaces should be produced and it would be handy to run that [past] me before the consultation period starts. I reiterate though that if the PC are happy with the areas shown on the Policies Map, there is no need for any action.

Otherwise I can confirm that this extra consultation is the only outstanding matter from my perspective. I am keen to conclude the examination as soon as possible.

Please let me know if there are any queries,

Best wishes and thank you,

Ann Skippers

**MSDC note:** A draft LGS map was subsequently sent to the Examiner.

It was also confirmed that re LGS 5 (Verges between the Green and the Bear PH), the LGS Assessment shows a triangle in the middle of the road which does not appear on the Policies Map. In addition the Assessment shows one elongated triangle whereas the PM shows two 'lumps' (I think reflecting accesses etc.).