

West Suffolk Council

**Hargrave
Neighbourhood Plan
Review 2023 – 2040**

Independent Examiner's Report
on the Neighbourhood Development Plan Review

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2 October 2024

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Summary

I have been appointed by West Suffolk Council to carry out the independent examination of the Hargrave Neighbourhood Plan Review.

I examined the made Plan (Summer 2018) and it was a pleasure to revisit the area and to see how the Review Plan has taken forward the commendable approach in the made Plan.

My first task was to determine that the Review Plan does not include modifications so significant or substantial as to change the nature of the made Plan. Accordingly, no referendum will take place.

I found the revised and new policies to be clearly worded and accompanied by a number of exemplary supporting documents that explained and justified the stance taken by policies. The clarity of thought and logical approach taken in the made Plan is retained in the Review Plan.

As a result, there are relatively few modifications. Those made largely relate to precision and clarity and overall are intended to ensure that the basic conditions are met satisfactorily.

From my examination of the Review Plan, its supporting documentation and the representations made, and subject to the modifications set out in this report, I have concluded that the Review Plan meets the basic conditions and all the necessary legal requirements.

I am therefore pleased to recommend that West Suffolk Council should make the Hargrave Review Plan subject to the modifications specified in this report.

Ann Skippers MRTPI
Ann Skippers Planning
2 October 2024



1.0 Introduction

This is the report of the independent examiner into the Hargrave Neighbourhood Plan Review (the Review Plan). The original Plan was made on 17 July 2018. I examined the made Plan.

I have been appointed by West Suffolk Council (WSC) with the agreement of Hargrave Parish Council to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Review Plan. I am a chartered town planner with over thirty years experience in planning. I have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The examination process and the role of the independent examiner

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) Procedural Matters

My first task was to make a determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended). This means I am required to determine whether the modifications contained in the draft Review Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace.

The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Review Plan will need to be the subject of a referendum if it is to be made.

In this context, the draft Review Plan intends, amongst other things, to:

- Extend the Plan period to 2040
- Update the objectives associated with the vision (unchanged)
- Make changes to Policies HAR 1, 2, 3, 5, 6, 7, 8, 9 and 10
- Add new policies on design, community facilities, sustainable construction practices, flooding and sustainable drainage and dark skies

The Parish Council has submitted a helpful Modification Statement (found in the Basic Conditions Statement) that details the changes. The changes are also detailed on page 7 of the Review Plan. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan. The local

planning authority, WSC, has reached the same conclusion.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance (PPG). I have also reached the conclusion that the proposed modifications, whilst material in some cases, are not so significant or substantial as to change the nature of the made Plan.

In reaching this conclusion, I have compared the whole made Plan with the whole Review Plan and find I have no reason to disagree with the views of the qualifying body and the local planning authority.

Therefore, the examination can proceed under the terms of paragraph 11 of Schedule A2 and, as a consequence, should I recommend that the draft Review Plan be made (with or without modifications), a referendum stage will not be necessary.

The Examination Note I sent on these matters, Examination Note 1, and dated 2 September 2024, is appended to this report as Appendix 2.

Scope of the Examination

It is important to recognise that the examination has considered the entirety of the Review Plan and not just those elements of the Review Plan that have been modified. Although my detailed comments sometimes focus on the changes to policies and text, I have considered the policies 'in the round'.

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²

¹ Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations⁶:

- The local planning authority should make the draft plan
- The local planning authority should make the draft plan with the modifications specified in the report or
- The local planning authority should not make the draft plan.

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

⁵ The combined effect of the Town and Country Planning Act Schedule 4B paragraph 8(6) and paragraph 10 (3)(b) and the Human Rights Act 1998

⁶ Paragraph 13(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).⁷

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁸ In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁹

As in this case, representations suggest amendments to policies or additional policies of different approaches. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions to policies or the addition of new Local Green Spaces for example are required. However, I feel sure the Parish Council will consider all the points made carefully in any future review.

Schedule A2 of the Planning and Compulsory Purchase Act 2004 (as amended) explains that the general rule is that the examination of the issues is to take the form of written representations. A hearing can be held for the purpose of oral representation about a particular issue where there are exceptional reasons for doing so or in other prescribed cases. PPG¹⁰ explains that it is expected that the examination will not include a public hearing. However, where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹¹

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on the Regulation 16 stage representations and I have taken these into account.

I made an unaccompanied site visit to (re)familiarise myself with the Plan area on 1 September 2024.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Boyd Nicholas at WSC.

⁷ Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

⁸ PPG para 055 ref id 41-055-20180222

⁹ Ibid para 040 ref id 41-040-20160211

¹⁰ Ibid para 056 ref id 41-056-20180222

¹¹ Ibid

Modifications and how to read this report

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics*** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Review Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Review Plan's presentation made consistent.

3.0 Compliance with matters other than the basic conditions

Qualifying body

The Review Plan has been prepared and submitted by Hargrave Parish Council which is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area covers the entire Parish and was designated by WSC on 18 November 2015. The Plan relates to this area and does not relate to more than one neighbourhood area. It has not changed from the area covered by the made Plan. It is shown on page 7 of the Review Plan. It therefore complies with these requirements.

Plan period

The Review Plan period is 2023 – 2040. This is clearly stated on the front cover of the Review Plan. This requirement is therefore satisfactorily met. The end date coincides with the end date of the emerging West Suffolk Local Plan.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

In this case, a number of Community Actions are to be found throughout the Review Plan. There is a reference to these in the Introduction section of the Plan¹³ and they are clearly distinguishable through a clear and different coloured title. They have also been reviewed as part of the work on the Review Plan and this is to be commended. The approach taken is acceptable for this Plan.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

The Parish Council decided that a review should be undertaken in 2020. It was decided a survey should be undertaken to see if the local community's views had changed since the pandemic. This was delivered to every household in the village and was always available online.

At the same time, all policies were reviewed. A Design Guidance and Code was prepared by AECOM.

A drop-in event was held to explain why the Plan was being reviewed and what this might entail. Views were sought via a survey available at the event and also online.

Pre-submission (Regulation 14) consultation took place between 2 September – 20 October 2023. The consultation period was publicised by a summary leaflet distributed to every household and business in the Parish. The consultation was launched by a drop-in event advertised in the leaflet. Hard copies of the Review Plan were available as well as online.

The consultation and engagement undertaken is satisfactory.

Submission (Regulation 16) consultation was carried out between 31 May – 12 July 2024.

¹² PPG para 004 ref id 41-004-20190509

¹³ The Review Plan page 8

The Regulation 16 stage resulted in nine representations.

I have considered and taken into account all the representations made.

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government’s planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹⁴

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁵ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁶

The NPPF also makes it clear that neighbourhood plans give communities the power to develop a shared vision for their area.¹⁷ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁸

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁹

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid

¹⁹ Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.²⁰

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²¹ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²²

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²³ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Review Plan's objectives and policies correspond to the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁵ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁶ The three overarching objectives are:²⁷

- 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;

²⁰ NPPF para 16

²¹ PPG para 041 ref id 41-041-20140306

²² Ibid

²³ Ibid para 040 ref id 41-040-20160211

²⁴ Ibid

²⁵ NPPF para 7

²⁶ Ibid para 8

²⁷ Ibid

- 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 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.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁸

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out the purpose of each Review Plan policy and its outcome and how this helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the St Edmundsbury Core Strategy (CS) adopted on 14 December 2010, the St Edmundsbury Rural Vision 2031 (RV) adopted on 23 September 2014 and the Joint Development Management Policies Document adopted on 24 February 2015 (DMP). The Suffolk Minerals and Waste Local Plan 2020 also forms part of the development plan as well as other made neighbourhood plans.

Emerging Local Plan

WSC has commenced a review of the local plan which will replace the existing documents. The West Suffolk Local Plan Submission Draft (Regulation 19) 2024 (ELP) was submitted to the Secretary of State for examination on 24 May 2024. Inspectors have been appointed and the hearing sessions are scheduled to commence later this year.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁹ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.³⁰

²⁸ NPPF para 9

²⁹ PPG para 009 ref id 41-009-20190509

³⁰ Ibid

It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan because the Planning and Compulsory Purchase Act 2004 requires that any conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.³¹

PPG advises that where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and similarly for neighbourhood plans to acknowledge local plan policies that they relate to.³²

I will refer to the emerging local plan in this report where I feel it relevant to do so.

The Basic Conditions Statement assesses the emerging Local Plan policies of relevance as well as the CS, RV and DMP policies.

Retained European Union Obligations

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

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³³ confirms that it is the responsibility of the local planning authority, in this case WSC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is WSC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

³¹ PPG para 009 ref id 41-009-20190509

³² Ibid para 006 ref id 61-006-20190723

³³ Ibid para 031 ref id 11-031-20150209

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Opinion dated March 2024 has been prepared by WSC which concluded that the Review Plan was unlikely to have significant environmental effects.

In relation to HRA, the Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC), the Rex Graham Reserve SAC and Devils Dyke SAC are located some 4.5km, 10km, 11km and 13km respectively from the Review Plan area.

The Screening Opinion concludes that likely significant effects can be screened out.

Consultation with the statutory bodies was undertaken. Historic England and the Environment Agency concurred; no response was received from Natural England.

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

Taking account of the characteristics of the Review Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I agree with the conclusion of the Screening Opinion

³⁴ PPG para 028 ref id 11-028-20150209

and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations

PPG establishes that the ultimate responsibility for determining whether a plan meets retained EU obligations lies with the local planning authority.³⁵ WSC does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a detailed statement in relation to human rights and equalities. Having regard to the Basic Conditions Statement, there is nothing in the Review Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Review Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold or bold and italics text**.

Initial sections

The Plan begins with two introductory sections which help to set the scene. I note that these sections indicate the Review Plan has a “very different look and feel to the 2018 Plan, but much of the content and intent of the original Plan remains”.³⁶ There is a helpful and comprehensive contents page.

Each of the six topic based policy sections of the Review Plan have a box which sets out what the made Plan says and what’s new in the Review Plan. I found this approach very helpful and clear.

1. Introduction

This is a useful section full of information about the review. It details the purpose and rationale behind the review and refers to a survey and consultation event held in 2021 and 2023 respectively.

The section contains a table detailing the changes. It refers to five new policies included in the Plan. The new policy, Policy HAR14, on flooding and sustainable drainage, should also be included in this list.

³⁵ PPG para 031 ref id 11-031-20150209

³⁶ The Review Plan page 2

The section will need some natural updating, particularly in relation to the latest version of the NPPF. This will apply throughout the Review Plan, but I do not repeat this modification elsewhere in this report. Some updating will also be needed in respect of the process to be followed and the stages reached. These are matters which are factual in nature and can readily be agreed between the Parish Council and WSC.

- **Add a new bullet point to paragraph 1.10 on page 8 of the Review Plan to refer to the new policy, Policy HAR14 on flooding and sustainable drainage**
- **Update references to the NPPF as necessary throughout the Review Plan**

2. Hargrave's Character, History and Geography

This is an informative section about the history and present attributes of the Parish.

3. Planning Policy Context

This section set out the planning context for the Review Plan.

4. Vision and Objectives

The original Plan's vision for Hargrave is:

"To protect and enhance the distinctive character and assets of the village for the community both young and old."

The vision is supported by six detailed objectives covering planning strategy, housing, services, facilities and the local economy, the natural environment, the built environment and transport and travel.

Whilst the vision remains the same, the objectives have been updated. Both the vision and the objectives are clearly articulated and relate to the development and use of land.

5. Hargrave's Planning Strategy

Policy HAR 1

Policy HAR 1, Hargrave's Spatial Strategy, sets out a spatial strategy for the Review Plan area.

By way of context, the CS provides a strategic framework for the former Borough up to 2031. Its vision refers to new development being focused on settlements where there are good levels of services and facilities and having regard to the environmental and infrastructure capacity of those settlements together with the desire to safeguard existing services and employment outside of Bury St Edmunds and Haverhill.

One of the CS's Strategic Spatial Objectives (C) is to sustain and enhance rural communities by providing new housing to grow settlements where infrastructure and environmental capacity exists whilst maintaining and improving the rural environment.

CS Policy CS1 explains that Bury St Edmunds and Haverhill will be the main focus for new development supported by appropriate levels of development in Key Service Centres, Local Service Centres and Infill Villages.

CS Policy CS2 sets out how a high quality sustainable environment will be achieved through design and a number of different measures including the protection and enhancement of natural resources, sustainable design and climate change.

CS Policy CS4 sets out the settlement hierarchy directing most growth to Bury St Edmunds and Haverhill with more minor growth in Key Service Services and Local Service Centres. It also designates a number of villages as Infill Villages. Hargrave is not designated as a Service Centre or as an Infill Village and is therefore designated as countryside.

The accompanying text to CS Policy CS4 permits infill development of single dwellings or small groups of five houses or less within designated housing settlement boundaries in Infill Villages. The CS removes the housing settlement boundaries of other small settlements because of a lack of, or limited provision of, any services or facilities. The policy makes it clear that the identity, character and historical context of settlements will be considered.

Policy CS13 explains that outside the identified settlements, development in the rural areas will be "...strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy...".

The RV contains a vision for the rural areas adding a further dimension to the CS vision. Amongst other things, the vision refers to the provision of appropriate housing to meet the needs of local people. Policy RV2 supports the principle of NPs.

The RV indicates that a village such as Hargrave has few or no services and therefore to "...locate a large amount of further growth in these locations would not be sustainable".³⁷ It considers that "...limited infill development may be permitted in these settlements provided it is in character with the surrounding area and does not have an adverse impact on the natural and historic environment".³⁸

The DMP acknowledges that "...there may be opportunities for limited further residential development within small yet cohesive settlements which may not have been classified as Villages and which do not have a housing settlement boundary, but which support the existing services and facilities in other Service Centres."³⁹ The DMP

³⁷ RV para 39.4 page 116

³⁸ Ibid para 39.7 page 116

³⁹ DMP para 5.16 page 34

continues that “Limited infill development may be permitted in these locations provided it is in character with the surrounding area and does not have an adverse impact on the natural and historic environment.”⁴⁰

Policy DM27 permits new dwellings provided that development “is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting a highway and the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage”.

The ELP sets out a settlement hierarchy identifying villages as either ‘Type A’ or ‘Type B’. Hargrave is a Type B village and there is no distribution of new houses to the Type B villages.

The ELP indicates that these settlements have a very limited range of or no services and poor accessibility to public transport. No sites are allocated in the ELP. It is envisaged that only limited infill or rural exception housing sites would be permitted. The scale and growth considered to be appropriate is an indicative maximum scheme of around five houses as infill plots within the HSB.

The ELP offers support to communities taking forward neighbourhood plans and supports strong and healthy communities enabling them to meet their own needs. The spatial strategy recognises the intrinsic character and beauty of the countryside, protecting it from unsustainable development. There is therefore little change of direction in the ELP regarding the spatial distribution of development or approach to the countryside.

The made Plan designated a Housing Settlement Boundary (HSB) covering the main built-up area of the village. This is shown on page 17 of the Review Plan and is not proposed to be changed through the Review Plan. The HSB is the same as proposed through the ELP.

The updated and more detailed Policy HAR 1, indicates that the Review Plan area will accommodate new development in line with its designation in the Local Plan settlement hierarchy. It directs new development to within the HSB subject to other acceptable impacts. Outside the HSB, development is only supported where it accords with other planning policies.

Policy HAR 1 meets the basic conditions by having regard to national policy, being in general conformity with CS Policies CS1, CS4 and CS13 in particular and helping to achieve sustainable development. No modifications are therefore recommended.

There is a rogue sentence in the supporting text which should be removed.

⁴⁰ DMP para 5.16 page 34

- Delete the words “...receiving planning consent to extract minerals under the current Suffolk Minerals and Waste Local Plan” from paragraph 5.3 on page 18 of the Review Plan

6. Housing

Policies HAR 2, HAR 3 and HAR 4

The NPPF states that to help support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.⁴¹ It continues that the overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.⁴²

Within this context, it is clear that size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy.⁴³ These groups include affordable housing, families with children, older people and those with disabilities.⁴⁴

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.⁴⁵

Policy HAR 2, Housing Development is an unchanged policy apart from recognising that the HSB now exists whereas the original policy designated it. Policy HAR 2 supports housing development within the boundary for single dwellings or small groups of five or less homes, residential conversion schemes and replacement dwellings. This reflects the approach of the development plan, in particular some of the language in CS Policy CS4 and the level of support for development in the village.

Policy HAR 3, Housing Mix is an updated policy. Proposals for three or more dwellings in the HSB are supported where homes with two bedrooms are incorporated. The original policy included one bed. The Review Plan explains that Hargrave has a smaller proportion of one and two bedroomed homes. The figure has been updated to reflect the results of the 2021 Survey and as a result this change to the policy is acceptable.

Policy HAR 4, Housing Design is a new policy. It seeks to ensure that new dwellings achieve appropriate internal space standards and are designed to be adaptable to meet the needs of an aging population. It also seeks to make provision for the storage of

⁴¹ NPPF para 60

⁴² Ibid

⁴³ Ibid para 63

⁴⁴ Ibid

⁴⁵ Ibid para 82

wheelie bins and cycles, enable broadband connection and provide electric charging points.

The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁴⁶ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

That WMS is now effectively moot in this respect following a Government Statement on Planning – Local Energy Efficiency Standards Update.⁴⁷ This embeds a general rule of thumb that policies which propose standards or requirements that go beyond current or proposed standards should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. I consider the principle is applicable here.

Having carefully considered the wording of this part of Policy HAR 4, with modification to ensure it does not in itself set standards, it can be regarded as acceptable.

CS Policy CS3 requires new development to create and contribute to a high quality, safe and sustainable environment.

DMP Policy DM2 sets out a number of development principles for good design and local distinctiveness.

The policy will help to ensure that storage provision is incorporated early on in the design process and suitable cycle storage will help to promote sustainable transport.

The NPPF promotes sustainable transport specifically referencing charging of plug-in or other ultra low emission vehicles.⁴⁸ The provision of such charging points will, in my view, help to promote the use of such vehicles.

Suffolk County Council ask for a factual update to the supporting text reference to parking standards and a modification is made to address this point.

With the modifications to Policy HAR 4 and its supporting text, all three policies will meet the basic conditions by having regard to the NPPF as detailed above, being in general conformity with CS Policy CS2, CS3, DMP Policies DM2 and DM22 in particular and as relevant and helping to achieve sustainable development.

- **Change the words “...should achieve...” in the first sentence of Policy HAR 4 to “...are encouraged to achieve...”**
- **Update the reference to the Suffolk Guidance for Parking and add the words “and any successor document”**

⁴⁶ Written Ministerial Statement 25 March 2015

⁴⁷ Statement made on 13 December 2023

⁴⁸ NPPF para 116

7. Services, Facilities and the Local Economy

Policies HAR 5, HAR 6 and HAR 7

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.⁴⁹ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities, particularly where this would reduce the community's ability to meet day to day needs.⁵⁰

Policy HAR 5, Community Facilities is a new policy. It supports the provision and enhancement of community facilities and services subject to five criteria including location.

The next element of the policy resists the loss of two specific facilities, the Village Hall and St Edmund's Church. Their loss is only permitted subject to a number of criteria including viability, demand and alternative provision.

I understand the point made in a representation about the viability criterion given the nature of the two community facilities identified in this part of the policy. However, the criteria in the policy are commonly used and I note the Parish Council consider them to be appropriate and WSC has not raised any concerns. It also reflects DMP Policy DM41 and the direction of travel in the ELP.

Policy HAR 5 meets the basic conditions by having regard to the NPPF, being in general conformity with development plan policies and helping to achieve sustainable development.

Policy HAR 6, Village Playing Field, is a revised policy, but retains the intent of the original policy.

The supporting text explains that the Playing Field is an important meeting place and play facility for the village and is well located. The policy seeks to protect the Playing Field from development that would detract from its use as a recreation facility. The loss of the facility will only be allowed if it is surplus provision or if replacement facilities of an equivalent standard are conveniently provided.

It is clear that this is an important facility for the village. The policy chimes with the NPPF's stance on the loss of facilities and also DMP Policy DM42.

⁴⁹ NPPF para 88

⁵⁰ Ibid para 97

I note that Sport England support the principle of the policy and have suggested some amendment to it. I consider the policy as currently worded meets the basic conditions and is sufficiently robust to achieve the aims of Sport England.

Policy HAR 7, Communications Technology is an unchanged policy.

Complementing District level policies and in particular reflecting RV Aspirations 5 and 16 and DMP Policy DM9, Policy HAR 7 seeks to minimise the number of masts consistent with the efficient operation of the network and safeguard the rural character as well as having regard to important views identified on the Policies Map.

The provision of high quality and reliable communications infrastructure is widely recognised as essential for economic growth and social well-being.⁵¹ The policy has regard to the NPPF which indicates that the number of radio and electronic communications masts should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.⁵²

Policy HAR 7 also refers to the Character Appraisal dated December 2017. This remains a valid document.

A modification is made to the policy to reflect the needs of consumers and future capacity.

A representation also suggests the addition of a clause to remove any obsolete equipment. I note that DMP Policy DM9 includes a similar provision and consider it will make the policy more robust if this was included. A modification is duly made.

With these modifications, Policy HAR 7 will help to ensure that good internet access is provided which will in turn support and attract new businesses and residents to stay thereby meeting the basic conditions.

- **Revise criterion i. of Policy HAR 7 to read: “the numbers of radio and telecommunications masts are kept to a minimum consistent with the efficient operation of the network, *the needs of consumers and the provision of reasonable future expansion.*”**
- **Add a new third criterion that reads: “*Should the need for any equipment and/or mast cease, developers and operators will be required to remove any redundant equipment and apparatus from the site in a timely manner.*”**

⁵¹ NPPF para 118

⁵² Ibid para 119

8. Natural Environment

Policies HAR 8, HAR 9 and HAR 10

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.⁵³

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.⁵⁴

Policy HAR 8, Biodiversity and Habitats is a revision and update to Policy HAR 5 in the original Plan. It seeks to protect and enhance biodiversity through biodiversity net gain and the loss of natural features. It is clear in its intention and takes a pragmatic approach to development proposals seeking mitigation where appropriate.

There is support for such an approach in the Design Guidance and Code too.⁵⁵

The policy has regard to the NPPF's principles regarding harm to biodiversity,⁵⁶ reflects CS Policies CS2 and CS3, the RV's vision and DMP Policies DM2, DM10 and DM13 in particular and will help to achieve sustainable development. As a result it meets the basic conditions and no modifications are recommended.

Policy HAR 9, Protecting the Landscape Setting of Hargrave retains original Policy HAR 6, but adds a requirement for a Landscape Visual Impact Assessment for proposals outside the HSB.

The policy seeks to protect and enhance the countryside from inappropriate development. It permits development if it is in line with DMP Policy DM27, its effect on the landscape setting would be acceptable, there would be no loss or erosion of the important gap between the main village centre and The Grove which is identified on the Policies Map and it would maintain the key features of important views which are also identified on the Policies Map. No changes have been made to the gap or the important views from the made Plan.

At my site visit, I saw how important the separation between the different clusters of development is and how the gap between the main village and The Grove is particularly important both for the setting of each grouping but also to the character and local distinctiveness of the Parish. It remains appropriately designated.

⁵³ NPPF para 180

⁵⁴ Ibid para 185

⁵⁵ Design Guidance and Code page 43

⁵⁶ Ibid

I also reviewed the important views at my site visit. I consider all have been appropriately retained in the Review Plan. I note that the Design Guidance and Code specifically refers to views and the importance of preserving and enhancing them.⁵⁷

More detail about the gap and the important views is given in the Character Appraisal December 2017.

This policy reflects CS Policies CS2 and CS3, the RV vision and DMP Policies DM2 and DM13 adding a local layer of detail to them. The supporting text to Policy DM13 specifically mentions gaps indicating that in those parishes with a number of separate greens or hamlets, as is the case in this Parish, these gaps and the landscape setting of settlements are “essential components of their character and local distinctiveness”.⁵⁸ It continues that the significance of these gaps is recognised and new development should not “dilute their contribution to maintain the distinct form of these settlements, their landscape setting and separation from other settlements”.⁵⁹ DMP Policy DM27 refers to visually important gaps as well.

Policy HAR 9 meets the basic conditions by having regard to national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness of the area, being in general conformity with the policies referred to above and will help to achieve sustainable development. No modifications are therefore recommended except to future proof the reference to DMP Policy DM27.

- **Add the words “or any successor policy” at the end of criteria a. of Policy HAR 9**

Policy HAR 10, Local Green Spaces, is the same as original Policy HAR 7, but with some updated wording. The original policy designated six areas as Local Green Space (LGS). They are shown on the Policies Maps and more detailed information is contained in the accompanying Local Green Space Assessment August 2023.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁶⁰ The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁶¹ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁶²

The NPPF sets out three criteria for green spaces.⁶³ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in

⁵⁷ Design Guidance and Code pages 8, 17, 35

⁵⁸ DMP para 4.14 page 21

⁵⁹ Ibid

⁶⁰ NPPF para 105

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid para 106

character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I reviewed all six LGSs at my site visit. Based on the information in the LGS Assessment and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily.

The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I note that Suffolk County Council consider the designation of verges may hinder their ability as the Highway Authority to provide any future active and sustainable travel infrastructure, such as footways and cycleways. The Plan is clear at paragraph 8.17 that the designation should not hinder the ability of such agencies to carry out their work and that often such work is permitted development.

Turning now to the wording of the policy, it designates the LGSs and states that development in the LGSs will be consistent with national policy for Green Belts. This has regard to the NPPF which is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁶⁴ As a result Policy HAR 10 meets the basic conditions.

9. Built Environment

Policies HAR 11, HAR 12, HAR 13, HAR 14 and HAR 15

There are five policies in this section.

Policy HAR 11, Local Heritage Assets is the same as original Policy HAR 9, but removes one of the two non-designated heritage assets within the original policy.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁶⁵ It continues⁶⁶ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to development which affects non-designated heritage assets, the NPPF states that a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.⁶⁷

⁶⁴ NPPF para 107

⁶⁵ Ibid para 195

⁶⁶ Ibid para 205

⁶⁷ Ibid para 209

The identification of the School House, Bury Road as a non-designated heritage asset remains valid.

Policy HAR 11 has regard to the NPPF, is in general conformity with CS Policy CS3 and DMP Policy DM16 and will help to achieve sustainable development thereby meeting the basic conditions.

Policy HAR 12, Development Design Considerations

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁶⁸ Being clear about design expectations is essential for achieving this.⁶⁹

It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁷⁰ It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁷¹

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁷²

Policy HAR 12 is a long policy covering numerous and varied criteria. In essence, it seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF.

The policy is supported by a Design Guidance and Code document dated August 2021 and prepared by AECOM. The policy cross-references the Development Design Checklist in Appendix 5 of the Plan taken from the AECOM document. However, this reference could be made more robust by requiring the Design Guidance and Code to be taken into account.

With this modification, Policy HAR 12 will meet the basic conditions by supporting locally distinctive development of a high quality having regard to the NPPF, leading on from, and being in general conformity with CS Policies CS2 and CS3 and DMP Policies DM2 and DM22 in particular, and achieving sustainable development.

- **Amend the second sentence of Policy HAR 12 to read: “*Development proposals must take into account the Design Guidance and Code August 2021 or any*”**

⁶⁸ NPPF para 131

⁶⁹ Ibid

⁷⁰ Ibid para 132

⁷¹ Ibid para 133

⁷² Ibid para 135

successor document and must demonstrate how they satisfy the requirements of the Development Design Checklist in Appendix 5 of this Plan and, as appropriate to the proposal:

Policy HAR 13, Sustainable Construction Practices is a new policy.

In relation to meeting the challenge of climate change, flooding and coastal change, the NPPF states that the planning system should support the transition to a low carbon future.⁷³ The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁷⁴

It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁷⁵

This policy offers support in principle to proposals that use best practice in energy conservation. As a result it meets the basic conditions by having regard to national policy, being in general conformity with CS Policy CS2 and DMP Policy DM7 which specifically refers to sustainable design and construction and DMP Policy DM8 which refers to low and zero carbon energy generation in particular and helping to achieve sustainable development.

Policy HAR 14, Flooding and Sustainable Drainage is a new policy.

This policy sets out a requirement for all new development to assess flood risk and to ensure that surface water is managed.

It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁷⁶

It meets the basic conditions by having regard to the NPPF, adding a local layer to DMP Policy DM6 and helping to achieve sustainable development.

The last policy in this section is new **Policy HAR 15, Dark Skies**.

The NPPF indicates that policies should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential

⁷³ NPPF para 157

⁷⁴ Ibid

⁷⁵ Ibid para 158

⁷⁶ Ibid paras 173, 175

sensitivity of the site or the wider area to impacts that could arise from the development.⁷⁷ In so doing, the NPPF refers to limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.⁷⁸ This policy seeks to ensure that this aim of the NPPF is realised. It meets the basic conditions.

10. Highways, Transport and Access

This section does not contain any planning policies, but sets out the context for the Plan area and includes a number of community actions.

Policies Maps

These are clearly presented.

Appendices

Appendix 1 sets out progress with the Community Actions in the original Plan. Appendix 2 sets out the nationally prescribed space standards. Appendix 3 refers to the Village Hall. Appendix 4 contains details of the listed buildings and should be future proofed. Appendix 5 is the Development Design Checklist referred to in Policy HAR 12. Appendix 6 is a list of supporting evidence documents.

- **Add a sentence to Appendix 4 which reads: “Up to date information on listed buildings and other heritage assets should be sought from Historic England or another reliable source.”**

Glossary

A useful glossary is included in the Review Plan.

7.0 Conclusions and recommendations

Subject to the limited number of recommended modifications I have made, I find that the Hargrave Review Plan complies with the basic conditions and other statutory requirements outlined earlier in this report.

I am therefore pleased to conclude and recommend that West Suffolk Council should make the Hargrave Review Plan subject to the modifications specified in this report.

Ann Skippers MRTPI

Ann Skippers Planning

2 October 2024

⁷⁷ Ibid para 191

⁷⁸ NPPF para 191

Appendix 1 List of key documents specific to this examination

Hargrave Neighbourhood Plan Review 2023 – 2040 Submission Draft Plan March 2024

Basic Conditions Statement March 2024 (including the Statement of Modification from the Parish Council) (Places4People Planning Consultancy)

Consultation Statement February 2024 (Places4People Planning Consultancy)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion Final March 2024 (WSC)

Character Appraisal December 2017 (Places4People Planning Consultancy)

Local Green Space Assessment August 2023 (Places4People Planning Consultancy)

Design Guidance and Code Final Report August 2021 (AECOM)

Hargrave Neighbourhood Development Plan July 2018

Hargrave Neighbourhood Development Plan Review – Modification Statement July 2024 (WSC)

St Edmundsbury Core Strategy December 2010

St Edmundsbury Rural Vision 2031 September 2014

West Suffolk Joint Development Management Policies Document February 2015

West Suffolk Local Plan Submission Draft (Regulation 19) 2024

List ends

Appendix 2 Examination Note 1

Hargrave Review Neighbourhood Plan Examination Examination Note 1

Following the submission of the Hargrave Neighbourhood Plan Review 2023 – 2040 Submission Draft Plan for examination, I write to advise on initial procedural issues.

Initial matters

I confirm receipt of the Review Submission Draft Neighbourhood Plan (the draft Plan) and accompanying documents. These include statements from the local planning authority, West Suffolk Council (WSC) and the Parish Council regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The original Plan was made in July 2018. The Parish Council has submitted a helpful Modification Statement (found in the Basic Conditions Statement) that details the changes. The changes are also detailed on page 7 of the draft Plan. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan.

The local planning authority, WSC, has reached the same conclusion.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. I have reached the conclusion that the proposed modifications, whilst material in some cases, are not so significant or substantial as to change the nature of the made Plan. In this context, the draft Plan intends, amongst other things, to:

- Extend the Plan period to 2040
- Update the objectives associated with the vision (unchanged)
- Make changes to Policies HAR 1, 2, 3, 5, 6, 7, 8, 9 and 10
- Add new policies on design, community facilities, sustainable construction practices, flooding and sustainable drainage and dark skies

In reaching this conclusion, I have compared the whole made Plan with the whole draft Plan and find I have no reason to disagree with the views of the qualifying body and the local planning authority.

Therefore, the examination can proceed under the terms of Paragraph 11 of Schedule A2 and, as a consequence, should I recommend that the draft Plan be made (with or without modifications), a referendum stage will not be necessary.

Procedural matters

I now set out some general information about 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, Boyd Nicholas.

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.

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. The Qualifying Body's opportunity to respond to Regulation 16 representations

If the Parish Council would like to comment on all or any of the representations received by the local planning authority during the Regulation 16 (submission) consultation period, an opportunity should be given for this to occur. Usually this happens immediately after the consultation period has ended and is initiated by the local planning authority. A period of two weeks or so is normally given.

If the Parish Council has not yet been afforded this opportunity, please let me know so it can be actioned.

I should emphasise that there is no obligation for the Parish Council to make any comments; it is only if they wish to do so.

5. 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.

If I find that there are significant issues which may prevent the draft 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, likely to be held virtually.

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

6. 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.

7. Examination timetable

The main determinants of how long the examination will take are 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.

8. 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.

9. 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 very shortly after the fact check stage.

10. Procedural questions

I hope this information is helpful. If the Parish Council or WSC 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
2 September 2024