

Barrow cum Denham Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a comprehensive vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. In addition, the Plan makes good use of colour, various high-quality maps and photographs.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification both with the Parish Council and with West Suffolk Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Questions for the Parish Council

Policy BCD2

I note the details in Section 2 of the Plan about the local planning context.

Planning practice guidance (ID:41-009-20190509) advises that whilst a neighbourhood plan is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. In this context, the submitted Plan is largely silent on the well-advanced emerging Local Plan. It would be helpful if the Parish Council explains its approach to this matter.

Is the development of the allocated site in the Plan intended to be in addition to the proposed housing allocations (AP24/25) in the emerging Local Plan or an alternative approach to the development of those sites?

In this context, do the Habitats Regulations Assessment (AECOM July 2024) and the Environmental Report (AECOM September 2024) address the impact of Policy BCD2 on protected sites, or the combined impact of Policy BCD2 (in the submitted Plan), and Policies AP24 and AP25 (in the emerging Local Plan) on protected sites?

Section 4 of the Environmental Report properly addresses reasonable alternatives to the approach taken in the Plan. I note the findings in Tables 4.2 to 4.9 and the summary in Table 4.10. However, the basis on which Option C has been selected is unclear both generally, and given the summary information presented in Table 4.10. It would be helpful if the Parish Council elaborated on the way in which it selected Option C in favour of Option B or Option E

In terms of the details in the policy:

- criterion iv comments about the delivery of a care home on the identified employment land. As described this approach seems contradictory. Please can the Parish Council explain its approach to this matter;
- does criterion vi relate to the details in paragraph BCD2.8? If so, how will the improvements anticipated be achieved where they would be located outside the allocated site?
- I understand the potential importance of criteria xi and xii. However, could they be repositioned into the supporting text as they explain how the policy would be implemented rather than being land use in their nature?

I note the comments on the Plan from the site owners and Ceres Ltd. Is the Parish Council satisfied that the site is available for development and would be deliverable in the Plan period?

Policy BCD3

In general terms the policy takes a positive approach towards general housing delivery.

I am minded to recommend that the opening element is modified so that it requires compliance with the various criteria where they are relevant to the proposal concerned. Does the Parish Council have any observations on this proposition?

The final sentence of the policy does not have regard to national policy. Paragraph 84 of the NPPF identifies a series of development proposals which would be acceptable in the countryside. I am minded to recommend that this element is broadened to reflect national policy. Does the Parish Council have any comments on this proposition?

Policy BCD5

This is a good policy on design. It makes helpful references to existing design guidance. It is a very good local response to Section 12 of the NPPF.

Policy BCD6

This is a good policy on sustainable design and construction which has regard to Section 14 of the NPPF and the Written Ministerial Statement (Planning: Local Energy Efficiency Standards Update) of December 2023.

I am minded to recommend that the second part of the policy should be applied proportionately to the scale and nature of the development proposals. Does the Parish Council have any comments on this proposition?

Policy BCD7

This is generally a good policy on employment uses. However, a series of detailed questions arise as follows:

- in i what would be appropriate and sustainable locations?
- does criterion ii bring any added value beyond the identified Local Plan policy?
- will the approach taken in criterion iii still be relevant when the emerging Local Plan replaces the adopted Plan? Did the Plan consider the appropriateness of allocating the same sites in the submitted Plan?
- should criteria iv and v be incorporated into Policy BCD2?
- does the final sentence of criterion vi have regard to paragraphs 61 and 125 of the NPPF?

- does criterion vii intend to say that the Plan supports proposals for working from home?
- what is the purpose of criterion viii? Is it a land use policy?

Policy BCD8

This is a comprehensive policy on community facilities.

I am minded to recommend that it is broken down into its separate sections. Does the Parish Council have any comments on this proposition?

What is the purpose of the paragraph on securing community funding? Is it a land use policy?

Policy BCD9

Is paragraph BCD9.1 the driving force behind the need for this policy? If so, is it appropriate for the Plan directly or indirectly to support the development of BCD2 for residential and employment uses if it is anticipated that it will not be able to accommodate its recreational needs on the allocated site?

If this is not the driving force behind the policy, is it anticipated that proposals for large scale sporting and recreational facilities will come forward in the Plan period?

What is the purpose of criterion vii?

Policy BCD10

The policy takes a positive approach towards ecology and the natural environment.

I am minded to recommend that the final part of the policy should be applied proportionately to the scale and nature of the development proposals. Does the Parish Council have any comments on this proposition?

Policy BCD11

The policy takes an appropriate approach towards local heritage assets. However does it bring any added value beyond national and local policies?

Does the final section of the policy relate to major development? Should it be applied proportionately?

Monitoring and Review

In general terms this section sets out a very positive approach to these important issues. The opening element correctly advises that the Plan will run concurrently with the St Edmundsbury Local Plan and other relevant documents, which currently comprise the adopted Development Plan until such time as these documents are fully superseded by a newly adopted Local Plan for West Suffolk.

I am aware of the current position of the emerging Local Plan and seek an update from West Suffolk Council in the next section of this Note. Does the opening element of the monitoring and review section suggest that the Parish Council is intending to undertake a review of any made Plan following the adoption of the West Suffolk Local Plan?

Questions for West Suffolk Council

Does the Council have a timetable for the remaining stages of the examination of the West Suffolk Local Plan and its eventual adoption?

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

I would find it helpful if the Parish Council commented on the representations received from:

- Bloor Homes Eastern
- Phizacklea, Stanton and Steer
- Fleur Homes
- Suffolk County Council
- Ceres Property
- Sport England

Several objections to the Plan have been received from parishioners. They raise overlapping issues. It would be helpful if the Parish Council responded to the following issues raised in these objections:

- the location of the proposed allocation and its accessibility to the A14;
- the site selection process;
- the factual details in the environmental report on the Bury Road site;
- the lack of evidence about the delivery of the overall proposed allocated site from the various landowners;
- the sustainability of the employment element of the proposed allocation;
- the inclusion of a care home within the allocation;
- the lack of clarity on the purpose of the proposed Community Fund; and
- the way in which the Parish Council consulted with statutory bodies.

West Suffolk Council make a series of comments and suggested changes on the Plan. The Parish Council's responses to the representation would be helpful

Protocol for responses

I would be grateful for responses and the information requested by 28 February 2025. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from West Suffolk Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Barrow cum Denham Neighbourhood Development Plan

28 January 2025