

Freckenham Neighbourhood Development Plan 2023-2040

**A report to West Suffolk Council on the Freckenham
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by West Suffolk Council in July 2024 to carry out the independent examination of the Freckenham Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 5 August 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It includes policies on local green spaces, design, and the natural environment.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
27 September 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Freckenham Neighbourhood Development Plan 2023-2040 ('the Plan').
- 1.2 The Plan was submitted to West Suffolk Council (WSC) by Freckenham Parish Council (FPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises indirectly from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It provides a context in which the neighbourhood area can maintain its character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WSC, with the consent of FPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WSC and FPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 41 years' experience either in various local authorities at either Head of Planning or Service Director level or since 2016 as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met subject to the modifications in this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan (and its appendices).
- the Basic Conditions Statement.
- the Consultation Statement.
- the Landscape Appraisal (September 2020)
- the Design Codes (June 2021)
- the Local Green Spaces Assessment (October 2023)
- the Key Views Assessment (September 2020)
- the Site Assessment (September 2020)
- the SEA/HRA screening reports (April 2024).
- the representations made to the Plan.
- FPC's responses to the clarification note.
- the adopted Forest Heath Core Strategy.
- the adopted Joint Development Management Policies Local Plan document.
- the adopted Forest Heath Site Allocations Local Plan.
- the emerging West Suffolk Local Plan.
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 5 August 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the detail within the package of submission documents.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such, the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), FPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. Section 3 summarises the approach which FPC took on consultation and engagement as the Plan was being prepared. It included the following events:
- the initial information sharing drop-in event – March 2019;
 - the Household Survey - Spring 2019;
 - the feedback drop-in event – October 2020; and
 - the Preferred Options consultation event – June 2022.
- 4.3 Section 4 provides specific details on the consultation processes that took place on the pre-submission version of the Plan (October to December 2023).
- 4.4 Section 5 of the Statement (supported by the details in appendices 6 and 7) summarises the comments received on the pre-submission version of the Plan and provide details of the ways in which the document was refined because of this process. These details help to describe the way in which the Plan evolved.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. WSC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted Plan was undertaken by WSC. It ended on 26 July 2024. This exercise generated representations from the following organisations:
- Suffolk County Council
 - Natural England
 - National Gas
 - National Highways
 - Suffolk Wildlife Trust
 - Environment Agency
 - Anglian Water

- Red Lodge Parish Council

4.7 Representations were also received from two parishioners.

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Freckenham. It lies to the south and west of Mildenhall. Its population in 2021 was 363 persons. It was designated as a neighbourhood area on 2 November 2018 by the former Forest Heath District Council.
- 5.2 Freckenham is an attractive small village based around the junction of Elms Road and Fordham Road/The Street (B1102). It has a tightly-defined historic core with more modern residential development on its fringes. St Andrew's Church is located to the south of the village in Church Lane. The historic core of the village is a designated conservation area. The Lee Brook runs through the village in a north-south direction.
- 5.3 The remainder of the parish is primarily rural and in agricultural use. It includes several woodlands and watercourses.

Development Plan Context

- 5.4 The development plan context is both comprehensive and evolving.
 - 5.5 The 2010 Forest Heath Core Strategy identified Freckenham as a Secondary Village in the settlement hierarchy, where such settlements would only accommodate a very limited amount of new minor development. The Core Strategy set out how the housing requirements for the district to 2031 would be delivered. The Joint Development Management Policies Local Plan document (February 2015) contains a comprehensive suite of detailed planning policies by which planning applications across West Suffolk will be determined on a day-to-day basis.
 - 5.6 In 2019, a Single-Issue Review of Core Strategy Policy CS7 was adopted. The review addressed the overall housing provision and its distribution across the former Forest Heath district. It did not impact on Freckenham's position in the Local Plan settlement hierarchy or make provision for the type of development proposed for Secondary Villages.
 - 5.7 In addition, in 2019 the Forest Heath Site Allocations Local Plan document was adopted. It identified the housing and employment allocations required to deliver the overall housing requirement identified in the Core Strategy. In accordance with the Core Strategy Settlement Hierarchy, the document did not allocate any sites in Freckenham.
 - 5.8 The Plan has been prepared within this wider context and has relied on up-to-date information. It also seeks to give a local dimension to the relevant policies in the Local Plan. This is best practice. The approach taken is helpfully captured in the Basic Conditions Statement.
 - 5.9 WSC has commenced work on the preparation of a new Local Plan for the area. The Plan will cover the period to 2040. In January 2024 WSC consulted on the submission draft Local Plan. The Plan has now been submitted for its own examination. The Draft Local Plan identifies Freckenham as a Type-A village within the proposed settlement
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hierarchy, a category which is identified as having a more limited range of services and facilities than local service centres but can still meet some of the day to day needs of their residents. It also identifies a site for housing development on land north of the village hall on Fordham Road for ten dwellings.

Visit to the neighbourhood area

- 5.10 I visited the neighbourhood area on 5 August 2024. I approached it from the A11 (Red Lodge) to the south. This helped me to understand its position in the wider landscape and its accessibility to the strategic road network.
- 5.11 I looked carefully at the character and setting of the village. I saw the importance of the Conservation Area, St Andrew's Church, and Castle Mound.
- 5.12 I paid particular attention to the proposed Local Green Spaces. I saw the various local green spaces in the area to the south of The Street and to the north of St Andrew's Church. I also saw the significance of the green space between Mildenhall Road and North Street.
- 5.13 I looked carefully at the proposed housing allocation to the north of Fordham Road (in the submitted West Suffolk Local Plan) and as featured in Policy FRE2 of the submitted Plan.
- 5.14 I left the neighbourhood area on the B1102 and drove to Fordham. This part of the visit helped me to understand the relationship between the neighbourhood area and other settlements in the immediate locality.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

- 6.3 For the purposes of this examination, the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Freckenham Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the development plan as described in Section 5 of this report;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy, including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on development and environmental matters.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. The Guidance also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan will achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy to establish a Spatial Strategy (Policy FRE1) and to support employment uses in redundant agricultural buildings (Policy FRE15). In the social dimension, it includes policies on local green spaces (Policy FRE7), and on community facilities (Policy FRE14). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy FRE3 and FRE9), landscape (Policy FRE5), biodiversity and habitats (Policy FRE6), and on the Conservation Area (Policy FRE8). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in West Suffolk in paragraphs 5.4 to 5.9 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, WSC undertook a screening exercise in April 2024 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 WSC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. There are no protected sites in the parish. Nevertheless, the Assessment addresses the potential impact of the Plan's policies on an extensive range of nearby protected sites listed in its paragraph 6.1. The Assessment concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.16 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns on this matter. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the relevant regulations.

Human Rights

- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and FPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. It also includes a series of Community Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Aspirations are considered briefly thereafter.
- 7.6 For clarity, this section of the report comments on each of the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Parts 1-3)

- 7.8 The Plan is organised and presented in an exemplary way. It makes an appropriate distinction between the policies and their supporting text. The overall format of the Plan, and the associated use of colour, map and excellent photographs results in a very attractive and legible document. If the Plan is made, it will sit comfortably as part of the overall development plan.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The ‘Neighbourhood planning in a nutshell’ is an excellent opening component of the Plan.
- 7.10 Section 1 comments on the national agenda for neighbourhood plans and the way in which the submitted Plan has been prepared. It also defines the neighbourhood area (Map 1). Whilst the Plan period is shown on the front cover of the Plan, I recommend that it is referenced in this part of the Plan so that it meets the prescribed conditions (as set out in paragraph 2.6 of this report).

At the end of paragraph 1.2 add: ‘The Plan period is 2023 to 2040’

- 7.11 Section 1 also comments about the themes to be addressed in the Plan, and its Vision and objectives. The Vision is as follows:

'In 2040 Freckenham will remain an attractive and friendly village where sustainable development both protects and enhances the natural and historic environment of the parish, services and facilities will meet the day to day needs of the community.'

- 7.12 Section 2 provides information about the neighbourhood area. It includes interesting and comprehensive details which help to set the scene for the eventual policies.
- 7.13 Section 3 comments about the national and the local planning policy contexts which have underpinned the development of the Plan.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy FRE1 - Spatial Strategy

- 7.15 This policy sets the scene for the Plan. It advises that the neighbourhood area will accommodate development commensurate with the village's designation in the adopted Local Plan settlement hierarchy. It also comments that new development will be focused within the defined Housing Settlement Boundary where proposals for housing development on infill plots or for small groups on redeveloped plots will be supported where they do not have a detrimental impact on residential amenity, the natural and historic environment, infrastructure, and highways.
- 7.16 The second part of the policy comments that outside of the Housing Settlement Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development.
- 7.17 The policy achieves its ambition to set a spatial strategy for the Plan. The approach taken has regard to national policy. In addition, it will contribute to each of the three dimensions of sustainable development by concentrating new development in the village where it would be accessible to the range of existing commercial and community facilities. In this overall context, the policy meets the basic conditions.

Policy FRE 2 - Housing Allocation

- 7.18 The context to this policy is that the Plan has agreed to defer the allocation of housing sites to the emerging Local Plan. That Plan has proposed the allocation of land north of Fordham Road for housing development. The submitted Plan has identified additional requirements for the development of the site and has crafted a policy on this basis. The additional requirements are listed in paragraph 5.14 as follows:
 - the affordable housing within the development to be tenure blind and integrate with the market housing;
 - the incorporation of planting and landscaping to screen the development from adjoining dwellings to the east and west of the site; and
 - ensuring that the development is designed to conform with the Freckenham Design Guidance and Codes.

- 7.19 I sought comments from WSC on the relationship between the two Plans and the extent to which the emerging Local Plan was sufficiently advanced for the approach taken in the policy to be pursued. In its response WSC advised that:

'The West Suffolk Local Plan is at an advanced stage in the plan preparation process having been submitted for examination (in) May 2024.

The Inspectors Preliminary Questions have not raised any issues directly concerning the proposed allocation Policy AP60 Land north of the village hall in Freckenham.

'(it) is content that the site is available, suitable, deliverable, and developable, and that Policy FRE2 of the Freckenham Neighbourhood Plan is in conformity with, and compliments the proposed allocation in the West Suffolk Local Plan. Given the advanced stage of local plan preparation, the consistency of the neighbourhood plan policy with the local plan allocation and the relatively low number and nature of objections to the site allocation the council is comfortable with the relationship between the neighbourhood plan and local plan allocation.'

- 7.20 I looked at the site carefully during the visit. I saw its sustainable position within the village. In addition, I am satisfied that the emerging Local Plan is sufficiently advanced to justify the approach taken in the policy. Finally, I am satisfied that the criteria in the policy are distinctive, and capable of being implemented by WSC through the development management process. In this overall context I recommend that the policy is modified so that its relationship with the site concerned is completely clear.
- 7.21 I have carefully considered the comments from a local resident about the site selection process and which proposes a potential alternative site. I have approached this matter in the context of my role to examine the submitted Plan rather than to propose an alternative Plan (or housing allocations). In this context, paragraph 5.7 of the submitted Plan comments that Strategic Policy SP11 of the Draft Local Plan sets out the minimum housing requirement for neighbourhood areas and, for Freckenham, this is ten dwellings. The Draft Local Plan also allocates a site to meet these requirements. As such, there is no requirement for the Neighbourhood Plan to allocate any sites for housing development. In summary the progress made on the emerging Local Plan has overtaken the need for the neighbourhood plan to address this strategic detail.
- 7.22 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the policy with: 'In addition to site specific requirements of Policy AP60 of the West Suffolk Local Plan, proposals for the development of land to the north of Fordham Road (as shown on Map 5) will be supported where they:'

Policy FRE 3 - Housing Design

- 7.23 This is a comprehensive policy on housing design. It reflects the detail in the supporting text on dwelling sizes and housing design standards.

7.24 The policy comments that:

- proposals for new dwellings should achieve appropriate internal space through compliance with the latest Nationally Described Space Standards;
- dwellings should make adequate provision for the covered storage of all wheelie bins and cycles, in accordance with the adopted cycle parking standards as set out in the Suffolk Guidance for Parking document (2023) or any successor documents;
- all new homes shall provide suitable ducting capable of accepting fibre to enable superfast broadband;
- new dwellings should be designed to be adaptable to meet the needs of those with mobility restrictions as well as the increasingly aging population, without restricting the needs of younger families;
- proposals that demonstrate they have taken into account the Building for a Healthy Life toolkit and meet the increasing need for 'home-working' will be supported

7.25 In general terms, the policy takes a very positive approach to these issues and has regard to Section 5 of the NPPF.

7.26 I recommend that the second part of the policy (on the delivery of broadband) is deleted as this issue is now addressed nationally through the Building Regulations. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete the second part of the policy

Policy FRE 4 - Low Energy and Energy Efficient Housing Design

7.27 The Plan advises that the context to this policy is that energy consumption and the demand for energy is a major determinant of climate change. Where energy use is necessary, priority should be given to utilising the most sustainable sources.

7.28 The policy comments that proposals which incorporate current best practice in energy conservation will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings. It also comments that proposals for new dwellings should demonstrate how they meet four specific requirements.

7.29 The policy takes a positive and non-prescriptive approach to this important matter. I am satisfied that it has regard to Section 14 of the NPPF and to the Written Ministerial Statement Planning: Local Energy Efficiency Standards December 2023. It will contribute to the delivery of the social and the environmental dimensions of sustainable development. It meets the basic conditions

Policy FRE 5 - Protecting Freckenham's Landscape Character

7.30 The context to the policy is that the parish is in a transitional landscape where a range of geological soil profiles meet, which is the key to its existence and appearance. It sits between the Suffolk Brecklands to the east, on the edge of the Cambridgeshire chalk

upland to the south, and on the southeastern edge of the Fens. As part of the preparation of the neighbourhood plan, a separate Landscape Appraisal has been prepared. It focuses on the character and sensitivity of the parish and identifies four distinct character areas outside the built-up areas of the parish,

- 7.31 The policy comments that proposals must, proportionate to the development, demonstrate how the landscape characteristics of the site and its vicinity have been considered in preparing the scheme and having regard to the guidance contained in the Freckenham Landscape Assessment 2020. It also advises that as appropriate to their scale, nature, and location and to ensure that they conserve the essential landscape, heritage and rural character of the parish, development proposals should demonstrate how they meet a series of criteria
- 7.32 The policy takes a positive approach to this important matter. The approach taken is underpinned by the Landscape Appraisal. I am satisfied that it has regard to Section 15 of the NPPF. It will contribute to the delivery of the social and the environmental dimensions of sustainable development. It meets the basic conditions.

Policy FRE 6 - Biodiversity and Habitats

- 7.33 This is a comprehensive policy on biodiversity and habitats. It has been designed to complement the national approach to the delivery of biodiversity net gain through development proposals.
- 7.34 The policy responds to its context as described in the Plan that ‘across the parish the influence of trees and hedgerows play a significant role in determining the character of the area. This is evidenced by individual specimen trees, tree belts, such as the pine belts north and east of the village and woodland. Priority Habitats, which are those which have been deemed to be of principal importance for the purpose of conserving biodiversity, are found across the parish and are identified on the map in Appendix 3’
- 7.35 The policy is locally-distinctive and complements the national approach to biodiversity net gain. I am satisfied that it has regard to Section 15 of the NPPF. The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy FRE 7 - Local Green Spaces

- 7.36 This policy proposes the designation of nine local green spaces (LGSs). It is underpinned by the LGS Appraisal.
- 7.37 In the round I am satisfied that the proposed LGSs meet the criteria in paragraph 106 of the NPPF. The Old Marl Pit, the Village Playing Field, and Castle Mound are precisely the type of green spaces which are traditionally designated as LGSs.
- 7.38 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am

satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

- 7.39 The policy wording takes the matter-of-fact approach of paragraph 107 of the NPPF. I have considered the comments made by Anglian Water carefully. However, I am satisfied that the policy does not need to be revised to meet the basic conditions. Any proposals for infrastructure work and/or improvements can be assessed against the wording used in the submitted policy. In this context WSC will be able to come to a balanced decision based on the details of any such proposals.
- 7.40 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy FRE 8 - Freckenham Conservation Area

- 7.41 This policy recognises the importance of the conservation area to the overall character of the village. It comments that development within, affecting the setting of, or affecting views into or out of the Conservation Area should conserve, or where appropriate enhance, features that contribute positively to the area's special character, appearance, and setting, including identified important open areas and buildings of local importance, as identified in the Freckenham Conservation Area Appraisal.
- 7.42 National and local planning policies provide a clear basis for development proposals in conservation areas. In this case, the submitted policy brings added value through its reference to the Conservation Area Appraisal. Some of the findings of the Appraisal are summarised in the detailed table in paragraph 7.3 of the Plan.
- 7.43 I am satisfied that the policy takes a positive and distinctive approach to the Conservation Area and has regard to Section 16 of the NPPF. As such it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy FRE 9 - Development Design Considerations

- 7.44 The context to the policy is the Plan's wish to ensure that new development is distinctive to the parish and high-quality. The policy is underpinned by the Design Guidance document which contains design codes. The codes have been developed to work in tandem with the Plan to provide guidance on the built form, layout and sustainability of development, which must be designed and constructed to perform to increasingly low-carbon requirements set by central and local government. The Guidance also contains a series of urban design principles to which new development will be expected to have regard.
- 7.45 The policy comments that proposals for all new development must reflect the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment. In addition, it advises that planning applications should demonstrate how they satisfy the requirements of the

Development Design Checklist in Appendix 6 of the Plan, as appropriate to the proposal.

- 7.46 In the round I am satisfied that the policy takes a positive and non-prescriptive approach to design. It is a first-class local response to Section 12 of the NPPF.
- 7.47 I recommend that the proportionate element in the opening part of the policy is made clearer. Whilst good design should be applied to all development proposals, the Development Design checklist will have a greater impact on larger or more sensitive proposals. The recommended modification replaces ‘must’ with ‘should’ to recognise the role played by a neighbourhood plan in the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘Proposals for all new development must reflect’ with ‘As appropriate to their scale, nature, and location, development proposals should reflect’

Policy FRE 10 - Sustainable Construction Practices

- 7.48 The Plan explains that the context to this policy is that energy use in the construction and operation of development is currently a major contributor to greenhouse gas emissions. It advises that minimising energy demands from development and increasing the generation of energy from renewable sources, together with battery storage can make a significant contribution to reducing carbon emissions as well as reducing demand from the grid. The starting point for minimising energy use is to maximise energy efficiency, both in new developments and through the retrofitting of existing buildings.
- 7.49 The policy comments that for all appropriate development, proposals that incorporate current best practice in energy conservation will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings. It also advises that development proposals should demonstrate how they meet a series of criteria.
- 7.50 In the round I am satisfied that the policy takes a positive and non-prescriptive approach to sustainable construction and has regard to Section 14 of the NPPF. As such, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy FRE 11 - Flooding and Sustainable Drainage

- 7.51 This is a comprehensive policy on flooding and sustainable drainage. Its context is that much of the land in the vicinity of the River Kennet/Lee Brook is within the Environment Agency designated Flood Zone 2 or 3, with Zone 3 having the highest risk of flooding. The area affected in the centre of the village is illustrated on Map 10.
- 7.52 The policy comments that proposals for all new development within these zones will be required to submit schemes appropriate to the scale of the proposal detailing how on-site surface water drainage and water resources will be managed so as not to cause

or exacerbate surface water and fluvial flooding elsewhere. It also comments about the use of sustainable drainage systems.

- 7.53 In the round the policy takes a positive and locally-distinctive approach to these matters and has regard to Section 14 of the NPPF. Nevertheless, I recommend a modification to the wording so that it more closely responds to the role played by a neighbourhood plan in the development plan process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘permitted’ with ‘supported’

Policy FRE 12 - Dark skies

- 7.54 The policy seeks to retain the dark skies in the parish. It comments that dark skies are to be preferred over lighting while ensuring that new developments are secure in terms of occupier and vehicle safety.
- 7.55 The approach to a ‘preference’ sits uncomfortably within a land use policy. On this basis, I recommend that the policy is recast to address this matter. It follows the suggestion in FPC’s response to the clarification note, which is itself based on the approach taken in a recent neighbourhood plan elsewhere in West Suffolk.
- 7.56 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with: ‘Wherever practicable, development proposals should respond positively to the dark sky environment of the parish and avoid the use of streetlights. Any outdoor lighting schemes should have a minimum impact on the environment and wildlife, whilst taking account of highway safety and the security of the development concerned. In addition, outdoor lighting schemes should reduce the consumption of energy by promoting efficient technologies which reduce glare.’

Policy FRE 13 - Parking Standards

- 7.57 This is a comprehensive policy on car parking standards. At its heart is an approach whereby development proposals should maintain or enhance the safety of the highway network ensuring that all vehicle parking is designed to be integrated into the site without creating an environment dominated by vehicles.
- 7.58 Parts 3 and 4 of the policy relate to electric vehicle charging facilities. However, such issues are now addressed by Building Regulations. As such I recommend their deletion. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete the third and fourth parts of the policy.

Policy FRE 14 - Community Facilities

- 7.59 The context to the policy is that the Plan has an important role in making sure that there are sufficient and adequate services in the village to meet the needs of current and future residents. The village hall and recreation ground provide central facilities for both formal and informal recreation and the Golden Boar public house and Parish Church also have an important role in village life.
- 7.60 The policy has two elements. The first is that the provision and enhancement of community facilities and services that serve the needs of Freckenham will be supported where they meet a series of criteria The second is the protection of four identified community facilities.
- 7.61 I am satisfied that the policy takes an appropriate and positive approach to community facilities and acknowledges their importance in the parish. The first part of the policy includes appropriate locational and amenity safeguards for new and expanded facilities. The second part properly acknowledges that the viability and/or use of the four identified facilities may alter in the Plan period.
- 7.62 In this context I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy FRE 15 - Farm Diversification

- 7.63 The policy comments that proposals for new employment uses of redundant traditional farm buildings and other rural buildings will be supported, providing it has been demonstrated that they are no longer viable or needed for farming. The policy advises that the re-use for community or economic development purposes is preferred outcome.
- 7.64 In general terms the policy takes a positive approach to this matter and has regard to Section 8 of the NPPF. Nevertheless, I recommend the following modifications to bring the clarity required by the NPPF and to allow WSC to apply the policy with clarity through the development management process:
- commenting explicitly about the uses which will be supported in the policy;
 - relocating the commentary about the preference of uses into the supporting text; and
 - ensuring that the supported uses comply with other development plan policies.
- 7.65 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Development proposals for the employment or community use of redundant traditional farm buildings and other rural buildings will be supported, where it has been demonstrated that the building concerned is no longer viable or

needed for farming, and where they satisfy other development plan policies on amenity, landscaping, and vehicular access.

Development proposals for the use of redundant traditional farm buildings and other rural buildings which would result in unacceptable harm to the rural economy or would adversely affect the landscape character, highways, infrastructure, residential amenity, environment (including national and international designated sites) and landscape character as identified in the Neighbourhood Plan Landscape Appraisal will not be supported.'

At the end of paragraph 8.9 add: 'Policy FRE15 offers support for the use of such buildings for employment or community uses. Whilst these are the preferred uses, other similar proposals will be determined on their merits and the way in which they would deliver the Vision and the objectives of the Plan.'

Policy FRE 16 - Public Rights of Way

- 7.67 The context to this policy is the limited number of public rights of way in the parish, the benefits which they provide for recreation and exercise, and the importance of taking any opportunities which may arise for their improvement and/or extension.
- 7.67 The policy comments that measures to improve and extend the existing network of public rights of way and bridleways will be supported where their value as biodiversity corridors is safeguarded and any public right of way extension is fit for purpose. It also advises that where practicable development proposals should incorporate measures to enhance biodiversity within the improved or extended public right of way.
- 7.68 In its response to the clarification note, FPC suggest modifications to the policy based on the representation received from Suffolk County Council. In doing so, it proposes the replacement of the policy with a similar policy which has recently been examined elsewhere in West Suffolk. I recommend accordingly. The policy will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'Measures to improve and extend the existing network of public rights of way will be supported particularly if their value as biodiversity corridors is recognised and safeguarded and any public right of way extension is fit for purpose. Where practicable, development proposals should incorporate measures to enhance biodiversity and green infrastructure within the improved or extended public right of way'

Community Aspirations

- 7.69 The Plan includes a series of Community Aspirations. They have arisen naturally as the Plan was prepared. I am satisfied that they are both appropriate and locally-distinctive.
- 7.70 The Aspirations are incorporated in the main part of the Plan (with the land use policies) rather than being set out in a separate part of the Plan in accordance with national policy. However, on balance, I am satisfied that the approach in the Plan is appropriate.

I have reached this view for three related reasons. The first is that they add value to the land use policies on a topic-by-topic basis. The second is that they are distinguished from the land use policies using colour. The third is that the Plan properly comments about their distinction from the policies in paragraph 1.11 of the Plan.

- 7.71 Aspiration 1 (Village shop), 3 (Traffic Calming), and 5 (Public Transport) are particularly noteworthy.

Other Matters – General

- 7.72 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for WSC and FPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2040. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the independent examination of the Plan, I have concluded that the Freckenham Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to West Suffolk Council that, subject to the incorporation of the modifications set out in this report, the Freckenham Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved on 2 November 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses from the Parish Council to the clarification note were both detailed and informative, and West Suffolk Council managed the overall process in a very efficient manner.

Andrew Ashcroft
Independent Examiner
27 September 2024