

St Edmundsbury Borough Council

Hargrave Neighbourhood Plan 2017 - 2031

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FRSA AoU

8 May 2018

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Summary

I have been appointed as the independent examiner of the Hargrave Neighbourhood Development Plan.

The Parish is very rural with a recorded population of just 310 at the time of the 2011 Census. It lies about seven miles to the west of Bury St Edmunds and some nine miles east of Newmarket. It consists of a number of separate greens and hamlets in a landscape setting; these characteristics are locally distinctive and are much valued by residents and visitors alike. The Plan explains that Hargrave is close to the highest point in Suffolk and therefore enjoys many views out of the village into the surrounding countryside.

The Plan is well written and well presented; it contains ten policies and a number of community actions that sit alongside topics identified as part of the community engagement work. It takes an innovative and commendable approach seeking to re-establish a housing settlement boundary for the main village having recognised that little or no development will not provide the opportunities for identified housing needs and provide what is described as a major threat to Hargrave's demographic structure, particularly given a recent decline in population. It takes a refreshing approach relying on Borough level policies where appropriate to do so in the context of this Parish and adding a layer of local context and detail to Borough-wide policies that it would be impossible for Borough-wide policies to do.

Whilst the Plan does not allocate any sites for housing, it provides a balance between supporting limited growth and seeking to protect and enhance its natural and built environmental attributes.

I have recommended modifications which, by and large, are to help ensure that the Plan is a workable document that provides a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to St Edmundsbury Borough Council that the Hargrave Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Director, Ann Skippers Planning
8 May 2018



1.0 Introduction

This is the report of the independent examiner into the Hargrave Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by St Edmundsbury Borough Council (SEBC) with the agreement of the 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 Plan. I am a chartered town planner with over twenty-five years experience in planning and 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 role of the independent 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, European Union (EU) obligations
- 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

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site² or a European offshore marine site³ either alone or in combination with other plans or projects.

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.

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

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case St Edmundsbury Borough Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² As defined in the Conservation of Habitats and Species Regulations 2012

³ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

In 2013, a Village Review was published after a survey of villagers. In 2014, a working group was established to consider the opportunity of producing a neighbourhood plan and how this might link to the Village Review. After regular meetings to affirm the direction of the Plan, pre-submission consultation on a draft Plan took place between 14 September – 31 October 2017. However, what is described as a “website glitch” meant that the period was extended to 12 November and the extension of the consultation period was in itself publicised widely.

The consultation stage was published via an invitation to all residents in the village setting out details of how to obtain copies and how to respond. Posters advertised the consultation around the village. A drop in event was held on the first day of the pre-submission stage and attended by 40 residents. An email was sent to consultees and other bodies.

I consider there has been satisfactory engagement with the community and other bodies throughout the process.

Submission (Regulation 16) consultation was carried out between 6 February – 20 March 2018.

The Regulation 16 stage attracted six representations from different people or organisations. I have taken all the representations received into account.

4.0 The examination process

I have set out my remit earlier in this report. 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 amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

One representation suggests consideration is given to housing settlement boundaries for some of the other clusters of dwellings in the Parish. The Parish Council may wish to consider this when the Plan is reviewed. Another suggests moving text regarding Suffolk County Council to a different section of the Plan and referring to more detail

⁶ PPG para 055 ref id 41-055-20180222

⁷ *Ibid*

contained in the NPPF. These matters could be given consideration in the final version of the Plan, but are not modifications I need to make in respect of my role and remit.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. 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.⁹ After consideration of all the documentation and representations I decided that it was not necessary to hold a hearing.

Additionally, NPIERS, the Neighbourhood Planning Independent Examiner Referral Service, has recently published guidance to service users and examiners. Although I have not been appointed via NPIERS to undertake this examination, I am a member of the NPIERS Panel and consider it appropriate for me to take account of this guidance.

Amongst other matters, the guidance indicates that the qualifying body, in this case, Hargrave Parish Council, 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 the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage.

I therefore wrote to ask whether Hargrave Parish Council wished to make any comments on any or all of the representations received at Regulation 16 stage and asked for any comments by 27 April 2018. The Parish Council have confirmed they do not wish to comment on any of the representations.

I am very grateful to both Councils and particularly Amy Wright of SEBC for all the assistance given to me during the course of the examination and for ensuring that it ran smoothly.

I made an unaccompanied site visit to the neighbourhood plan area on 11 April 2018.

⁸ PPG para 056 ref id 41-056-20180222

⁹ *Ibid*

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Hargrave Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area was approved by St Edmundsbury Borough Council on 18 November 2015. The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 7 of the Plan.

Plan period

The Plan covers the period 2017– 2031. This is clearly stated on the Plan’s front cover and confirmed within the Plan itself. This coincides with the Borough level Local Plans.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and 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.¹⁰ Subject to any such recommendations, this requirement can be satisfactorily met. I note that this distinction is explained well in the introduction and community actions identified in ‘green boxes’.

¹⁰ PPG para 004 ref id 41-004-20170728

6.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

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 planningguidance.communities.gov.uk 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 unambiguous¹⁴ 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 context and the characteristics of the area.¹⁵

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

¹¹ NPPF paras 14, 16

¹² *Ibid* para 184

¹³ *Ibid* para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance through a simple table and commentary on how the Plan's policies align with the NPPF's core planning principles and its sustainable development themes.

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 as a whole¹⁸ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a section that explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF. It firstly maps the Plan's vision and objectives alongside the three components. Secondly, Table 3 sets out the purpose and outcome of each policy with regard to sustainable development.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the St Edmundsbury Core Strategy (CS) adopted on 14 December 2010, the Rural Vision 2031 (RV) adopted on 23 September 2014 and the Joint Development Management Policies Document adopted on 24 February 2015 (DMP).

The Basic Conditions Statement explains that SEBC have identified 61 strategic policies. A table outlining those considered to be relevant to this Plan is included with a commentary. This has provided a very useful context for my own consideration of this basic condition and is comprehensive in its coverage and commentary.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁹ *Ibid* para 7

the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A Screening Opinion dated January 2018 has been submitted. This concluded that a SEA is not required. The requisite consultation with the statutory consultees was undertaken. All three statutory consultees, the Environment Agency (EA), Natural England (NE) and Historic England (HE) responded with both NE and HE concurring that a SEA would not be required and the EA not offering any specific comments.

I have treated the Screening Opinion to be the statement of reasons that 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.²⁰

I am of the view that EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²¹ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Opinion dated January 2018 confirmed that there are no European sites within the Plan area. The nearest are the Breckland Special Protection Area (SPA) (nearest component some 4.5km), the Breckland Special Area of Conservation (SAC) (nearest component some 10km), the Devils Dyke SAC (some 13km) and the Rex Graham Reserve SAC (some 13 km). Consideration was given to possible effects highlighted in the Rural Vision 2031. The Screening Opinion concluded that the Plan would not have likely significant effect on any European sites alone or in combination with other plans and concluded that a full HRA would not be needed. NE was consulted and advised “...that there are unlikely to be significant environmental effects...” and that “...the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.”²²

Given the nature, characteristics and distances of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the further basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with.

²⁰ PPG para 028 ref id 11-028-20150209

²¹ *Ibid* para 047 ref id 11-047-20150209

²² Letter from Natural England of 13 December 2017 included in the Screening Opinion January 2018

European Convention on Human Rights (ECHR)

The Basic Conditions Statement includes a section on this. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

PPG²³ confirms that it is the responsibility of the local planning authority, in this case SEBC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is SEBC who must decide whether the draft plan is compatible with 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.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a very high standard and has a helpful contents page. Policies are readily discernible in 'blue boxes' and community actions in 'green boxes'. I found the document easy to read and use. Photographs are interspersed throughout the document giving it a distinctive flavour.

1. Introduction

This well written section describes the impetus for the Plan and sets out a simple timeline to show how the Plan has evolved. It is a useful lead in to the Plan. Some elements of it will of course need some natural updating as the Plan progresses towards being made.

2. The Plan Area and Planning Policy Context

This well written section confirms that the necessary requirements have been met and provides a succinct summary of the most relevant planning policy for Hargrave.

In addition it confirms that regular reviews will occur. Monitoring is not a requirement of neighbourhood planning, but I regard it as good practice and so this is to be welcomed.

²³ PPG para 031 ref id 11-031-20150209

3. Hargrave's Character, History and Geography

Another well written and succinct section with an interesting introduction to the Parish outlining its history.

4. Local Issues and Characteristics

This section contains a useful introduction to many of the key issues facing the Parish and its residents.

5. Vision and Objectives

The vision for Hargrave in 2031 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 four topic areas namely prosperity and welfare, highways, transport and access, green infrastructure and natural environment and the character of the village and countryside. Each topic area is underpinned by objectives.

The vision, the topic areas and their objectives are all clearly articulated and relate to the development and use of land.

6. Hargrave Spatial Planning Strategy

I set out the relevant planning context for Policies HAR1 and HAR2 here. The CS provides a strategic framework for the 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.

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.

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 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".²⁴ It refers to the Localism Act and the NPPF and in particular paragraph 55 which states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...". As a result, the RV 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".²⁵

The DMP also refers to paragraph 55 of the NPPF acknowledging 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.". ²⁶ The DMP 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.". ²⁷

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".

²⁴ RV para 39.4 page 116

²⁵ *Ibid* para 39.7 page 116

²⁶ DMP para 5.16 page 34

²⁷ *Ibid*

Policy HAR1 Hargrave's Spatial Strategy

The supporting text confirms that Hargrave is designated as “countryside” in the CS as explained above and that DMP Policy DM27 allows for limited infill within identifiable groups of 10 or more homes which could apply to the main village centre and The Grove. However, because there is no existing Housing Settlement Boundary opportunities under DMP Policy DM29 for rural exception housing would not apply as this policy refers to such boundaries.

Whilst it is recognised that residents are reliant on nearby larger settlements for many services and amenities, the local community is concerned that the inability to provide much housing “threatens to create a major imbalance to Hargrave’s demographic structure”.²⁸

The Plan identifies the lack of a settlement boundary as inhibiting the opportunity to provide some of the housing needs identified through work on the Plan. It therefore seeks to designate a housing settlement boundary for the main part of the village to support limited development in Policy HAR2.

Policy HAR1 therefore sets out that limited development focused on the main built-up area of the village will be supported. It specifically refers to locally identified needs, limited development and recognises environmental constraints.

Given the stance in the NPPF, the support in the RV and DMP for limited development, I consider this policy takes account of national policy and guidance, is in general conformity with the strategy and relevant policies in the development plan and will help to achieve sustainable development. The policy includes sufficient limitations and safeguards. It is clearly worded. It therefore meets the basic conditions and no modifications are recommended.

7. Prosperity and Welfare

Housing

Policy HAR2 Hargrave Housing Settlement Boundary

This policy defines the Housing Settlement Boundary referred to in my discussion of Policy HAR1 above and refers to the Proposals Map. The boundary put forward is similar, but is a little larger to previously defined one in an earlier, now superceded, Local Plan. However, I consider it to be identified clearly and sensibly around the main built-up area of the village. The settlement boundary itself is shown clearly on the Proposals Map at page 44 of the Plan.

²⁸ Page 17 of the Plan

The policy 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, whilst introducing a greater level of support for development in the village.

The NPPF is clear that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.²⁹ I have considered whether the designation of a Housing Settlement Boundary and this policy's approach would undermine the CS, the RV or the DMP and their strategic policies. I note the local community's concerns about stagnation of the Parish and its limited ability to support new housing which has been identified as a key element of the village's future vitality and viability. The policy would also provide potential opportunities for rural exception sites to be considered in line with the NPPF's support for such sites to enable local needs to be provided for.

I consider that the identity, character and historical context of settlement has been carefully considered as part of the work on the Plan and through the Character Appraisal. Other policies in the Plan seek to protect and enhance the character, appearance, historic qualities and environmental attributes of the Plan area. The policy accords with the provision of appropriate housing to meet the needs of local people articulated in the RV. The policy will result in limited development.

I further note that SEBC, at pre-submission stage, took the view that the reintroduction of the settlement boundary accords with the principles of sustainable development and supported the policy.

The policy is clearly worded.

I therefore consider that the policy meets the basic conditions and no modifications to it are recommended.

Infill Development

This paragraph explains that support will be given to infill development describing what constitutes acceptable development.

House Sizes

Policy HAR3 Housing Mix

The supporting text explains that Hargrave has a significantly higher proportion of larger houses than the Borough average; almost double in fact as well as a much smaller proportion of smaller houses. Policy HAR3 seeks to increase the provision of smaller

²⁹ NPPF para 184

homes on developments of three or more units. The policy is clearly worded and evidenced well. It takes account of national policy by helping to provide a wide choice of homes and plan for a mix of housing based on the needs of the community and will help to achieve sustainable development. As a result it meets the basic conditions and no modifications are recommended.

Employment

This section discusses the potential for employment generating development and identifies two Community Actions which are clearly worded. The Plan will rely on Borough level policies to support employment including rural diversification and tourism.

Communications and Technology

Policy HAR4 Communications and Technology

Complementing Borough level policies and in particular reflecting RV Aspirations 5 and 16 and DMP Policy DM9, Policy HAR4 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 Proposals Map. The Character Appraisal provides more information about each view and contains a numbered map of those views which I consider to be clearer than the map presently included in the Plan. It would therefore be useful to cross reference to the Character Appraisal and add the map in the interests of providing the practical framework for decision taking sought by national policy and advice.

The NPPF supports high quality communications infrastructure. The language used in the policy reflects the stance in the NPPF in relation to the number of masts and the need for them to be sympathetically designed.³⁰

- **Add the “Important Views” map on page 2 of the Character Appraisal to the set of Proposals Maps**
- **Add the words “and described in the Character Appraisal” at the end of criterion ii. in the policy**

Sitting alongside this policy, Community Action 3 is clearly worded and distinguished from the policy.

³⁰ NPPF para 43

Supporting Local Agriculture

This section includes Community Action 4 which promotes cooperation with local agricultural businesses. There appears to be a missing word and so a modification is recommended to address this omission.

- **Change Community Action 4 to read: “We will develop positive co-operation with the local agricultural *community* to optimise mutual benefits”.**

Education

A short section explaining that there is no schools provision within the Parish.

Sports, Leisure and Culture

Community Action 5 sets out the Parish Council’s support in assisting groups and societies to become established.

The Village Hall

Community Action 6 seeks to establish a group to investigate the possibilities of improving the existing Village Hall or a new Village Hall to secure the future of this well used and highly valued amenity.

The supporting text also sets out an aspirational approach for a potential new site for the Village Hall.

Shops and Services

The nearest shops and services are in Barrow although there is a mobile library and milk and newspaper deliveries. Community Action 7 builds on support for a car sharing initiative to help residents to make trips to the shops and other facilities.

Flooding

The Plan explains that parts of the village around The Wash and Birds End have had occasional flooding. This section refers to the NPPF and relevant Borough level policies to help to ensure that the risk of flooding is not increased and that any development is appropriate in this regard.

8. Highways, Transport and Access

This section explains that the only public transport opportunity is by bus. Community Action 8 outlines support for liaison with local bus companies and the County Council for enhanced public transport provision. Community Action 9 sets out future aspirations on traffic calming measures.

I believe paragraph 8.2 has a missing word in the first sentence and a modification corrects this omission. There is also a missing space between two words in the next sentence of the same paragraph that I point out just for the sake of completeness.

- **Change the first sentence of paragraph 8.2 on page 27 of the Plan to read: “At the time of preparing this Neighbourhood Plan the only options for residents of Hargrave to leave the village *is* by bus:...”**

Heavy Goods Vehicles

HGV traffic through on Parish roads was identified as a concern through the neighbourhood plan process. Community Action 10 sets out action that will seek to address this.

Public Rights of Way

Community Action 11 sets out action to enhance the existing network of public rights of way.

9. Green Infrastructure and the Natural Environment

Green Infrastructure

Reference is made to the NPPF and SEBC’s Green Infrastructure Strategy 2009.

Landscape Character

Policy HAR5 Protecting and Maintaining Features of Landscape and Biodiversity Value

This clearly worded policy seeks to protect and, where possible, enhance features of landscape and biodiversity value. The last element of the policy seeks to ensure that new or changed accesses have an acceptable impact on hedgerows, a key characteristic of the area. It is clear in its intention and takes a pragmatic approach to development proposals seeking mitigation where appropriate.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment³¹ and given the high value placed on these areas by the community, this policy takes account of national policy, reflects CS Policy CS2, 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.

³¹ NPPF para 109

New Woodland

Community Action 12 seeks to identify opportunities to increase woodlands in the Parish.

Important Views and Gaps

The Plan explains that Hargrave is located on a relatively high plateau and is one of the highest spots in Suffolk. As a result there are a number of views and vistas in and out of the village. These are important to its character, its distinctiveness in the landscape and to its 'feel' and sense of place as I experienced on my site visit.

As part of the work on the Plan, a Character Appraisal was conducted and the most significant views identified as I have mentioned in relation to Policy HAR4.

The Parish consists of a number of small hamlets or clusters. The Plan identifies the gap between the main village centre and The Grove as being of particular importance.

Policy HAR6 Protecting the Landscaping Setting of Hargrave

This 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 Proposals Map and it would maintain the most important views which are also identified on the Proposals Map.

This policy reflects CS Policies CS2 and CS3, the RV vision and DMP Policies DM2 and DM13 adding a local layer 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".³² 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".³³ DMP Policy DM27 refers to visually important gaps as well.

I saw at my visit how important separation between different clusters is and in particular how the gap between the main village and The Grove is important and integral to the character and local distinctiveness of the area. The gap shown on the Proposals Map is an open and obvious gap between two distinct groups of houses and is drawn appropriately.

³² DMP para 4.14 page 21

³³ *ibid*

Given the position of the Parish in the landscape, views have also been appropriately identified.

As a result this clearly worded policy takes account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness and will help to achieve sustainable development.

In line with my recommendations on Policy HAR4, I suggest that the map in the Character Appraisal is added to the set of Proposals Maps and substituted for the map on page 32 of the Plan and that a cross reference to the Character Appraisal is made in the policy.

- **Add the “Important Views” map on page 2 of the Character Appraisal to the set of Proposals Maps [duplicate modification from Policy HAR4]**
- **Substitute the “Important Views” map on page 2 of the Character Appraisal for the diagram of the map on page 32 of the Plan**
- **Add the words “and described in the Character Appraisal” at the end of criterion d) in the policy**

Local Green Spaces

Policy HAR7 Local Green Spaces

A number of Local Green Spaces (LGS) are proposed by this policy.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁴ The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment.

The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

The proposed areas are all shown clearly on the Proposals Map. They focus on the greens with their ditches, verges and hedges which are so characteristic of the Parish. I visited all the areas on my site visit.

Church Lane consists of four separate areas that together read as one alongside a track serving this hamlet.

The Grove consists of a number of areas on the western side of Wickhambrook Road that are grassed areas, open in nature, some with trees and one with a pond.

³⁴ NPPF paras 76, 77 and 78

There are then a number of areas in The Green. These form the open, grassed areas along the road and around junctions. As well as including a pond, one area also has a seat, village sign, bus shelter and noticeboards.

Little Knowles Green contains two areas; one made of different smaller parts, but reading as a whole that again forms a setting for the junction and houses around the road with a treed boundary. The other area is a bigger space, well defined by hedging, trees and fencing.

In my view, the proposed LGSs are sensibly and clearly defined. All are in reasonably close proximity to the community they serve, are local in character and hold a particular local significance because of their beauty and contribution to the character and appearance of the Parish, historic significance in relation to the setting of the hamlets and tranquility. All meet the criteria in the NPPF satisfactorily.

Turning now to the policy itself, the policy refers back to the Proposals Maps. It is clearly written only allowing development in exceptional circumstances whilst retaining flexibility.

The policy meets the basic conditions and no modifications are therefore suggested.

Community Action 13 recognises the difficulties of identifying ownership and seeks to address maintenance issues.

Village Playing Field

Policy HAR8 Village Playing Field

The supporting text explains that as well as being the playing field for many years, it is the only equipped play area in the village. It is well located and as a result acts as a meeting place as well.

Policy HAR8 seeks to protect the playing field from development that would detract from its use as a recreation area only permitting development that would reduce the size or quality of the playing field if replacement facilities of an equivalent or enhanced standard are conveniently provided.

The NPPF guards against the unnecessary loss of valued facilities³⁵ as this one clearly is. Policy HAR8 has regard to the NPPF's stance on development of playing fields³⁶ and will particularly contribute to the achievement of sustainable development. It chimes with DMP Policy DM42. The policy is clearly worded. As the playing field is clearly shown on the Proposals Maps which include a reference to this policy, in the interests of consistency, it would be helpful to refer to the Proposals Maps in the policy. Subject to this modification, the policy will meet the basic conditions.

³⁵ NPPF para 70

³⁶ *Ibid* para 74

- Add “*as shown on The Green Inset Map*” after “The village Playing Field...” in Policy HAR8

10. The Character of the Village and the Countryside

Historical Assets

Policy HAR9 – Local Heritage Assets

The supporting text explains there are a number of listed buildings within the Parish. Other buildings can also have historic and architectural merit and two – the Old School House and School Hall – are identified as Local Heritage Assets in Policy HAR9. It is my understanding that whilst the Plan can identify a potential list of such assets, the process for identifying local heritage assets rests with the local planning authority. The Plan could however identify these buildings as historic structures of local significance worthy of being preserved and enhanced. Therefore some modifications to the policy are suggested to address these points.

It is also possible for a policy, as HAR9 does, to seek to retain and protect local heritage assets. The NPPF explains that the significance of a non-designated heritage asset should be taken into account in the determination of any planning application.³⁷ A balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the asset.³⁸

Where harm or substantial harm would be caused, this policy sets out a requirement for an analysis of the wider public benefit of the proposal. This is a lesser test than is set out in the NPPF for designated heritage assets which require substantial public benefits to be achieved that outweigh any harm or loss. However, the NPPF’s focus is on the scale of any harm and loss and the significance of the heritage asset rather than the benefits of the proposal although this can be considered to be a local expression of what the balanced judgment might involve. Therefore this element of the policy also requires modification to ensure that the policy takes account of national policy in the NPPF and that it will achieve sustainable development.

With the modifications detailed below, the policy will meet the basic conditions.

- **Change the policy’s title to “*Local Heritage*”**

- **Change the policy to read:**

“The retention and protection of local heritage assets *and buildings of local significance*, including buildings, structures, features and gardens of local interest will be sought.

³⁷ NPPF para 135

³⁸ *Ibid*

Proposals for any works that would lead to *the loss of* or substantial harm to a *local heritage asset or a building of local significance* should be supported by an *appropriate* analysis of the *significance of the asset together with an explanation of the wider public benefits of the proposal.*

The following properties are identified as *buildings of local significance*:

- Old School House
 - School Hall.”
- Change the last sentence of paragraph 10.5 on page 36 of the Plan to read: **“We have identified that the Old School House and School Hall are worthy of being protected as Local Heritage Assets *and will pursue this with the relevant authorities. In the meantime we have identified them as buildings of local significance. Both buildings are identified on the Proposals Maps.*”**

Community Action 14 takes forward the possibility of designating a conservation area.

Protecting the Character of the Village – Design Guidance

This section sets out the need and rationale for design guidance. A number of sections on i) Building Settings and Landscape, ii) New Buildings and Development, iii) Building Extensions, iv) Building Materials and v) Conversions and Refurbishment follow. Pages 40 and 41 of the Plan provide a photographic journey of the elements and features that make this area so distinctive and give it its very special character.

Policy HAR10 Village Character

Policy HAR10 seeks to ensure that any new development has regard to the design characteristics of the village and reference is made to the preceding information about the characteristics of the area.

This policy seeks to deliver locally distinctive development of a high quality. It reflects CS Strategic Spatial Objective G, Policies CS2 and CS3, the RV vision and DMP Policies DM2 and DM22 adding a local layer of detail. It will therefore help to achieve sustainable development and takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.³⁹

As a result, the policy meets the basic conditions and no modifications are recommended.

Proposals Maps

A useful series of Proposals Maps is included. These are clearly presented.

³⁹ NPPF para 56 and section 7

Appendix 1 Listed Buildings

A useful appendix with information about listed buildings as of June 2017 is provided. The appendix is referred to in the Plan on page 36.

8.0 Conclusions and recommendations

I am satisfied that the Hargrave Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to St Edmundsbury Borough Council that, subject to the modifications proposed in this report, the Hargrave Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Hargrave Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Hargrave Neighbourhood Plan area as approved by St Edmundsbury Borough Council on 18 November 2015.

Ann Skippers MRTPI

Ann Skippers Planning
8 May 2018

Appendix 1

List of key documents specific to this examination

Hargrave Neighbourhood Plan Submission Version December 2017

Basic Conditions Statement dated December 2017

Consultation Statement December 2017

Strategic Environmental Assessment and Habitats Regulation Assessment Screening Opinion January 2018

Character Appraisal December 2017

St Edmundsbury Core Strategy December 2010

Rural Vision 2031 September 2014

West Suffolk Joint Development Management Policies Document February 2015

Reports ends