

Worlington Neighbourhood Development Plan 2023-2040

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by West Suffolk Council in January 2024 to carry out the independent examination of the Worlington Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 28 February 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 should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
29 April 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Worlington Neighbourhood Development Plan 2023-2040 ('the Plan').
- 1.2 The Plan was submitted to West Suffolk Council (WSC) by Worlington Parish Council (WPC) 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 seeks to provide a context in which the neighbourhood area can maintain its character and setting.
- 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 WPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WSC and WPC. 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 am a chartered town planner and 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.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Landscape Character and sensitivity assessment (November 2022)
- the Design Code (October 2022)
- the Local Green Spaces Assessment (March 2023)
- the SEA/HRA screening reports (December 2023).
- the representations made to the Plan.
- WPC'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 28 February 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.

3.4 The NPPF was updated in December 2023 after the Plan had been submitted. Plainly this was outside WPC's control. For clarity, I have assessed the Plan against the December 2023 version of the NPPF for the way in which it has regard to national policy.

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), WPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. Section 3 summarises the approach which WPC took on consultation and engagement as the Plan was being prepared.
- 4.3 Section 4 provides specific details on the consultation processes that took place on the pre-submission version of the Plan (April to May 2023).
- 4.4 Section 5 of the Statement and appendices 5-7 summarise the comments received on the pre-submission version and provide details of the ways in which the Plan 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 16 February 2024. This exercise generated representations from the following organisations:
- West Suffolk Council
 - Defence Industrial Organisation
 - Suffolk County Council
 - Upton Suffolk Farms
 - Natural England
 - Cycling UK
 - Historic England
 - National Gas
 - National Highways
 - Sport England
 - Suffolk Wildlife Trust

- 4.7 Representations were also received from four 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 Worlington. It lies to the south and west of Mildenhall. Its population in 2021 was 526 persons living in 227 households. It was designated as a neighbourhood area in July 2021. However, the parish boundary was changed in April 2023 to remove the area south of the A11 at Red Lodge. As such, the boundary of the neighbourhood area was amended in April 2023 to reflect the new parish boundary.
- 5.2 Worlington is a small village based around the junction of the Newmarket Road and the B1102 (Mildenhall to Freckenham Road). The B1102 is called The Street in the village. It has a tightly defined historic core with more modern residential development to the west.
- 5.3 The remainder of the parish is primarily rural and in agricultural use. The River Lark flows to the immediate north of the village. The Royal Worlington and Newmarket Golf Course provide an open and attractive setting for the south and east of the village.

Development Plan Context

- 5.4 The development plan context is both comprehensive and evolving. The 2010 Forest Heath Core Strategy identified Worlington 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. 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 does not impact on Worlington’s position in the local plan settlement hierarchy or make provision for the type of development proposed for Secondary Villages.
- 5.5 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 The Forest Heath Site Allocations Local Plan document was adopted in 2019. It identified the housing and employment allocations required to deliver the overall housing requirement identified in the Core Strategy. It did not allocate any sites in Worlington.
- 5.7 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.
- 5.8 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. It identifies Worlington as a Type-B village where settlements have a

very limited range of or no services and poor accessibility to public transport. It is likely that residents will rely on the private car to travel to meet their day-to-day needs. In these villages no sites would be allocated through the local plan and only limited infill development or affordable housing exception sites would be permitted, dependent on other environmental and infrastructure constraints, to meet local needs within the village.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 28 February 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.
- 5.10 I looked carefully at the character and setting of the village.
- 5.11 I paid particular attention to the proposed Local Green Spaces and the Mildenhall Road Special Character Area.
- 5.12 I left the neighbourhood area on the B1102 and drove to Freckenham. 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;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); 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 Worlington 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. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy to establish a Spatial Strategy (Policy WTN1). In the social dimension, it includes policies on local green spaces (Policy WTN5) and on community facilities (Policy WTN11). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy WTN2 and WTN7), landscape (Policy WTN3), biodiversity and habitats (Policy WTN4) and on the Mildenhall Road Special Character Area (Policy WTN6). 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 5.8 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 December 2023 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 WPC 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 Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Actions 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 1-4)

- 7.8 The Plan is well-organised and presented. 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 2 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies.

7.12 Section 3 comments about the national and the local planning policy contexts which have underpinned the development of the Plan.

7.13 Section 4 comments on the Plan's Vision which is as follows:

'In 2040 Worlington will continue to be a self-contained village with a high quality natural and historic environment. Limited sustainable development may have taken place that respects and maintains the character of the village and its surrounding countryside. Separation from existing boundaries of surrounding settlements will have been maintained and existing services and facilities protected and improved for residents.'

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 WTN1 - 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 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 commercial and community facilities. In this context the policy meets the basic conditions.

Policy WTN 2 - Housing Design

7.18 This is an important policy in the wider context of the Plan. It has three key elements as follows:

- proposals for new dwellings should achieve appropriate internal space through compliance with the latest Nationally Described Space Standards. Dwellings should also make adequate provision for the covered storage of all wheelie bins, and, in accordance with the adopted cycle parking standards, secure and covered storage for cycles;
- new dwellings that are designed to be adaptable to meet the needs of the increasingly aging population, without restricting the needs of younger families, will be supported; and

- 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.

7.19 In the round, I am satisfied that the policy takes a positive and distinctive approach to this matter. It relies on local information and evidence, including the needs of older persons. I recommend the deletion of the second part of the policy which addresses broadband provision and charging facilities for electric vehicles. Both matters are now controlled through the Building Regulations.

7.20 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 paragraph of the policy

Policy WTN 3 - Protecting Worlington's Landscape Character

7.21 This is an important policy in the wider context of the Plan. It is underpinned by the Worlington Landscape Character and Sensitivity Assessment (2022).

7.22 The first part of the policy comments that proposals must 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 Worlington Landscape Character and Sensitivity Assessment 2022.

7.23 The second part of the policy 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 have regard to, and conserve, restore and enhance, the landscape character and the setting of the parish and will ensure that there is no unacceptable impact on the key features of the important views identified on the Policies Map.

7.24 In the round, the policy takes a positive and well-evidenced approach to the landscape context of the Plan. However, to bring the clarity required by the NPPF I recommend that the first part of the policy takes on a more general format. This approach will avoid a duplication of the proportionate element (which has been successfully applied to the second part of the policy) and the reference to the Landscape Character and Sensitivity Assessment.

7.25 Finally I recommend that Map 4 is replaced with a revised version as provided by WPC in its response to the clarification note. This will bring the clarity required by the NPPF and marry up the policy with the Map.

7.26 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 first part of the policy with:

'Development proposals should respond positively to the landscape characteristics of the site and its vicinity.'

Policy WTN 4 - Biodiversity and Habitats

- 7.27 This is a wide-ranging policy on biodiversity and habitats.
- 7.28 The roll-out of national legislation on biodiversity net gain since the publication of the Environment Act 2021 has continued since the Plan was published. The Plan does not need to repeat national legislation. Nevertheless, I am satisfied that the approach taken is complementary to national legislation.
- 7.29 I recommend that the first sentence of the policy is recast so that it better expresses its intention and therefore have the clarity required by the NPPF. 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 first sentence of the first part of the policy with:

‘Wherever practicable, development proposals should protect, and avoid the loss of, or substantial harm to, distinctive trees, hedgerows, and other natural features such as ponds and watercourses.’

Policy WTN 5 - Local Green Spaces

- 7.30 This policy proposes the designation of sixteen local green spaces (LGSs). It is underpinned by the LGS Assessment.
- 7.31 I looked at the proposed LGSs carefully during the visit. I saw that they contributed significantly to the open character of the village. In addition, I saw that they varied in terms of their size, character, and appearance.
- 7.32 Suffolk County Council objects to the designation of three highways related LGSs. In its response to the clarification note WPC advised that:
- ‘The separate Local Green Space Assessment identifies how the spaces meet the criteria of the NPPF. In the unlikely event that permitted development rights relating to highway improvements were to change and require footways to require planning consent, this kind of development is of the nature which current NPPF Green Belt policy, against which proposals on Local Green Spaces would be considered, would support such proposals.’*
- 7.33 I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the three LGSs have been carefully-selected and comply with the approach taken in Section 8 of the NPPF
- 7.34 In the round I am satisfied that the proposed LGSs meet the criteria in paragraph 106 of the NPPF. In coming to this overall judgement. The War Memorial Triangle and All Saints Churchyard are precisely the type of green spaces which are traditionally designated as LGSs.
- 7.35 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.

- 7.36 The policy seeks to take the matter-of-fact approach as set out in paragraph 107 of the NPPF which advises that policies for managing LGS should be consistent with those for Green Belts
- 7.37 The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy WTN 6 - Mildenhall Road Special Character Area

- 7.38 This is a very distinctive policy. The context for the approach taken is set out in paragraph 8.6 of the Plan. It advises that although Worlington does not have a designated conservation area, the area of the village between The Walnut Tree and Worlington Hall Hotel does have a distinctly historic character. It has six of the village's listed buildings and other buildings and features that contribute to the character of the area plus several trees protected by preservation orders. A further characteristic of the area is the use of tall brick and lower flint boundary walls.
- 7.39 The policy comments that within the defined area, as well as having regard to the need to preserve or enhance the significance of the heritage assets in or adjoining the area, development proposals should respond positively to the distinctive characteristics of the identified area. It also advises that development proposals which would cause unacceptable harm to the character and appearance of the Special Character Area will not be supported.
- 7.40 I looked at the Special Character Area carefully during the visit. The reasons for its identification were self-evident. Its overall character and the attractiveness of the buildings combine to justify the approach taken in the policy.
- 7.41 I recommend that the policy wording is modified so that it clarifies that the policy applies to the Special Character Area. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace 'Within this area' with 'Within the Special Character Area'

Policy WTN 7 - Development Design Considerations

- 7.42 This is an important policy in the Plan. It is underpinned by Design Code and Design Checklist (Appendix 3).
- 7.43 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. It also advises that planning applications

should demonstrate how they satisfy the requirements of the Development Management Checklist in Appendix 3.

- 7.44 In the round it is a first-class response to Section 11 of the NPPF.
- 7.45 I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF. The recommended modification to the second part of the policy more clearly allows WSC to apply the intended proportionate approach through the development management process.
- 7.46 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 ‘Development proposals should reflect’

Replace the opening element of the second part of the policy with: ‘As appropriate to their scale, nature and location development proposals should demonstrate how they satisfy the requirements of the Development Management Checklist (Appendix 3):’

Policy WTN 8 - Sustainable Construction Practices

- 7.47 The policy sets out a context within which sustainable construction practices can be incorporated into new developments. It advises 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 or any area of surface water flood risk, minimise any detrimental impact on the building or its surroundings.
- 7.48 The detailed criteria in the policy are both appropriate and locally distinctive.
- 7.49 In the round I am satisfied that the policy takes an appropriate approach to this important matter and has regard to Section 14 of the NPPF. It also has a non-prescriptive approach which complements the Written Ministerial Statement of December 2023 on this matter. Nevertheless, I recommend that the opening element of the policy is recast so that it has the clarity required by the NPPF and more clearly draws out the proportionate element.
- 7.50 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 opening element of the policy with:

‘Wherever practicable, development proposals should incorporate current best practice in energy conservation. Such measures should be incorporated so that they are integral to the building design and its curtilage and minimise any impacts on the building or its surroundings. As appropriate to their scale, nature and location, development proposals should demonstrate how they:’

Policy WTN 9 - Flooding and Sustainable Drainage

- 7.51 This is another wide-ranging policy. It has three key elements:
- proposals for new development, or the intensification of existing development, in Flood Zones 2 and 3 or any area of surface water flood risk, should be accompanied by a Flood Risk Assessment and Drainage Strategy, and will not be permitted, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor);
 - proposals for all new development 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; and
 - proposals should, as appropriate include the use of above-ground open Sustainable Drainage Systems.
- 7.52 In the round I am satisfied that the policy takes an appropriate approach to this important matter and has regard to Section 14 of the NPPF. However, I recommend that the wording in the first part of the policy is simplified and that the wording used in the third part of the policy is modified so that it can be applied proportionately by WSC through the development management process.
- 7.53 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 first part of the policy with:

‘Proposals for new development, or the intensification of existing development, in Flood Zones 2 and 3 or any area of surface water flood risk, should be accompanied by a Flood Risk Assessment and Drainage Strategy, and should identify the way in which they have satisfied the safety requirements in the Planning and flood risk element of Section 14 of the National Planning Policy Guidance (and any successor).’

Replace the first sentence of the third part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should include the use of above-ground open Sustainable Drainage Systems.’

Policy WTN 10 - Dark skies

- 7.54 This policy celebrates the dark skies environment of 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. It also advises that any proposed outdoor lighting schemes should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife, subject to highway safety, specific needs, and security. Finally, it comments that schemes should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the night-time skies dark and reducing glare.

- 7.55 In general terms the policy takes a positive approach to this matter. However, I recommend that it is modified in two ways. The first removes the reference to a preference in the first sentence. A preference will be difficult to implement through the development management process. The second removes duplication from the second sentence.
- 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 WTN 11 - Community Facilities

- 7.57 This policy celebrates the importance of community facilities in the parish. It identifies five facilities and establishes a policy to safeguard them throughout the Plan period. I am satisfied that the facilities have been properly identified.
- 7.58 The policy acknowledges potential changes in viability or use of facilities within the Plan period.
- 7.59 In the round, the policy takes a balanced approach to this matter. I recommend a modification to the wording used to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘permitted’ with ‘supported’

Policy WTN 12 - Farm Diversification

- 7.60 The policy sets out to provide a positive context for the diversification of farms. It has two related elements. The first comments that applications 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.
- 7.61 The second advises that re-use for community or economic development purposes is preferred, but proposals 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 Character and Sensitivity Appraisal will not be supported.

7.62 In general terms the policy takes a positive approach towards farm diversification and has regard to Section 6 of the NPPF. Nevertheless, I recommend the following modifications to bring the clarity required by the NPPF:

- the removal of the reference to the preference for certain types of future uses. The approach will be impracticable to apply through the development management process;
- clarification about the way in which development proposals should respond to the character of the building concerned and its landscape setting; and
- a recasting of the final element of the policy so that the various criteria are well-defined.

7.63 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:

‘Proposals for the use of redundant traditional farm buildings and other rural buildings for employment or community purposes will be supported where it can be demonstrated that the buildings concerned are no longer viable or needed for farming.

Development proposals for such uses should respond positively to the character of the building concerned and its setting in the wider landscape. Proposals which would result in unacceptable harm to the rural economy or which would unacceptably affect the landscape character of the immediate locality, the capacity and safety of the local highways network, local infrastructure, the amenity of residential properties in the immediate locality, or the wider environment (including national and international designated sites) and its landscape character (as identified in the Neighbourhood Plan Landscape Character and Sensitivity Appraisal) will not be supported.’

Policy WTN 13 - Sport and Recreation Facilities

7.64 This policy celebrates the importance of recreational facilities in the parish. It identifies two such facilities.

7.65 The policy advises that proposals for development at these locations will be determined in accordance with Policy DM42 of the Joint Development Management Policies Local Plan document (2015) or subsequent replacement policy.

7.66 I am satisfied that this approach is a very practical way of addressing the issue. The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy WTN 14 - Public Rights of Way

7.67 The policy advises that measures to improve and extend the existing network of public rights of way and bridleways 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. It also comments that where practicable development proposals should incorporate measures to enhance biodiversity and green infrastructure within the improved or extended public right of way.

- 7.68 I saw the importance of the rights of way network during the visit. 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.

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 1.10 of the Plan.
- 7.71 Aspirations 2 (Better use of village facilities), 3 (Allotments and Community Orchard), 5 (Traffic Calming) and 6 (Cycle Links to Mildenhall) 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 WPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.73 I also recommend that, where necessary, the Plan is revised to reflect the updated NPPF of December 2023 and its paragraph numbers.

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

Update the Plan to take account of the December 2023 version of the NPPF.

Other Matters – Specific

- 7.74 WSC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.75 WSC suggest a series of revisions and additions to the general elements of the Plan. I have considered the various issues very carefully. I recommended a modification to address one of the points raised as it is necessary to ensure that the Plan meets the basic conditions.

In paragraph 11.5 delete 'and cities'

- 7.76 Suffolk County Council and Upton Suffolk Farms have made a series of detailed comments on the Plan and have suggested specific modifications to the policies and the supporting text. In its response to the clarification note WPC responded to the various representations.
- 7.77 I have considered the various matters very carefully. In most cases their suggested modifications to the Plan would broaden its scope and provide an enhanced explanation to the relevant policies. Nevertheless, I am not satisfied that they are required to ensure that the Plan meets the basic conditions. This approach reflects my role to examine the Plan as submitted rather than to propose a revised or improved Plan (other than where it would be a consequence of a modification to ensure that the Plan meets the basic conditions).

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 Worlington 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 Worlington 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 by West Suffolk Council in July 2021 and as revised in April 2023.
- 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
29 April 2024