

**Questions of clarification from Examiner (Ann Skippers)**


Having completed an initial review of the Lawshall Neighbourhood Plan (the Plan) and, having visited the area, the Examiner requested that both Councils assist her as appropriate in answering the following questions which either relate to matters of fact or are areas in which she wished to seek clarification or further information.

Both councils were also advised ...

- Not to send or direct the Examiner to evidence that is not already publically available,
- That, on receipt of responses on these matters the Examiner may need to ask for further clarification or that further queries will occur as the examination progresses, *and*
- That this list of clarification questions and the responses to them are a public document and should be placed on the Councils' websites as appropriate.

The table below sets out the eleven questions ... and the responses to these.

<b>Q1:</b>	<b>Please confirm the dates of the Regulation 14 (pre-submission) stage period of consultation.</b>
Lawshall PC response	Page 20 of the Consultation Statement (Section 9) states that the Pre-submission consultation took place between 30 October 2016 and 11 December 2016.
<b>Q2:</b>	<b>Policy LAW6 refers to ten areas of important recreation and green space. Does the second element of the policy (relating to ancillary development) only apply to the ten identified areas?</b>
Lawshall PC response	It is admitted that there could be some confusion here due to the reference to "allotments and other areas used for sport and recreation purposes", but the second element should only refer to those 10 sites identified in the policy.
<b>Q3:</b>	<b>The Proposals Map does not appear to accurately reflect what is on the ground in terms of ancient hedgerow on Folly Lane. In turn this does not reflect what is shown on the Folly Lane (south) map in the Character Assessment. Please may I ask you to check this and advise me suggesting a way forward?</b>
Lawshall PC response	Agree. The ancient hedgerow on the eastern side of Folly Lane, to the north of the Important Woodland should be deleted as it does not exist on the ground. The southern section of the ancient hedgerow identified in the Character Assessment on the western side should be deleted. The important view on the character assessment opposite the important woodland should be moved north. Both should correspond with the Proposals Map. The consequential amended Folly Lane (South) map that should be in the Character Assessment is illustrated below.  <i>[Map appears on next page]</i>

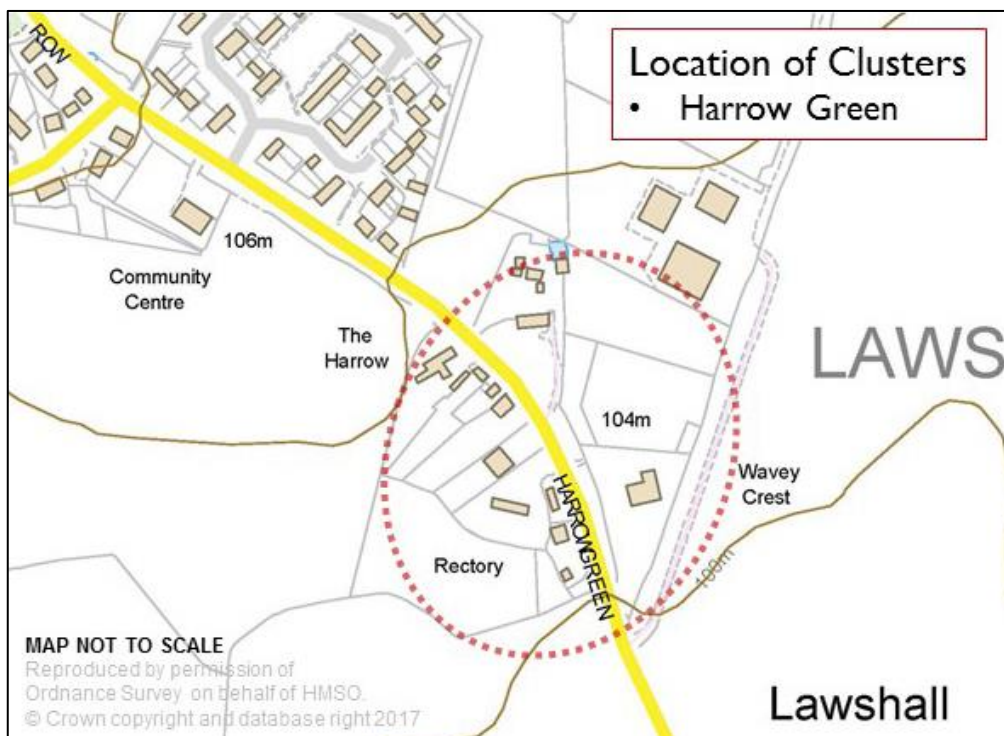
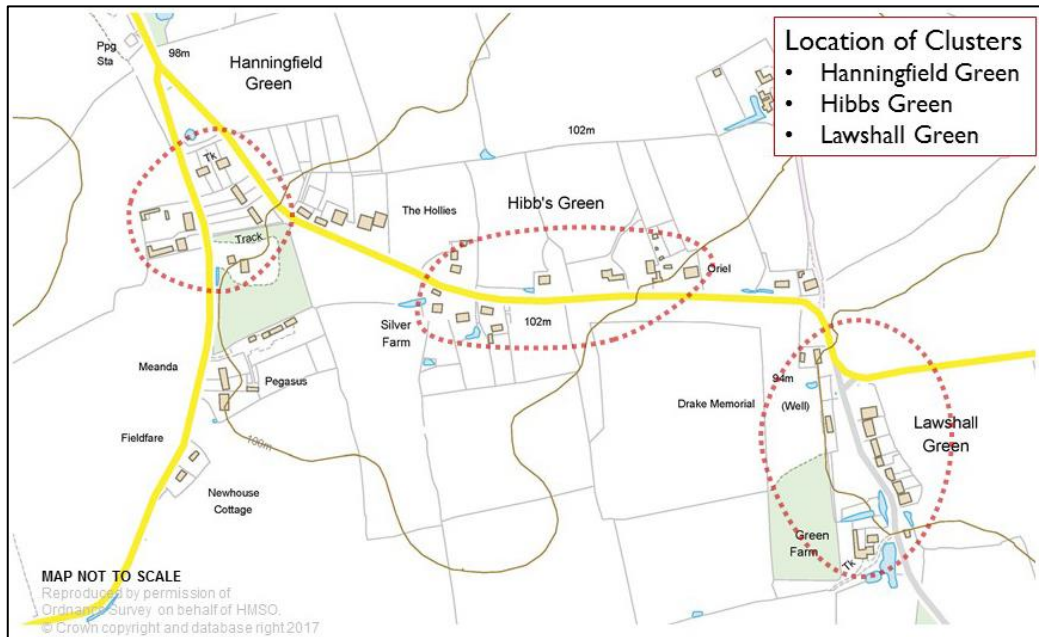
	
<p><b>Q4:</b></p>	<p><b>On the Character Area Map of Bury Road on page 11 of the Character Assessment, three important views are indicated. One of them, approx. opposite Brick Kiln Plantation does not appear on the Proposals Map. Is this intentional or a drafting error?</b></p>
<p>Lawshall PC response</p>	<p>This is a drafting error in respect of the Proposals Map and the view identified in the question should have been included.</p>
<p><b>Q5:</b></p>	<p><b>On the Character Area Map of Hanningfield Green on page 15 of the Character Assessment, the ancient hedgerow notation does not appear to match that indicated on the Proposals Map? Is this correct and if so, how should this be remedied?</b></p>
<p>Lawshall PC response</p>	<p>Not all the ancient hedgerows identified in the Character Assessment or the Ancient Hedgerows Survey for the parish have been identified on the Proposals Map. The Ancient Hedgerows Survey Map has been published as part of the evidence gathered in the preparation of the Neighbourhood Plan.</p> <p>The principle chosen was to identify those ancient hedgerows in close proximity to the BUABs or Clusters. This opens a wider question as to whether all identified ancient hedgerows across the Plan Area should be identified on the Proposals Map or a separate map in the Plan? A plan has been prepared to identify all the</p>

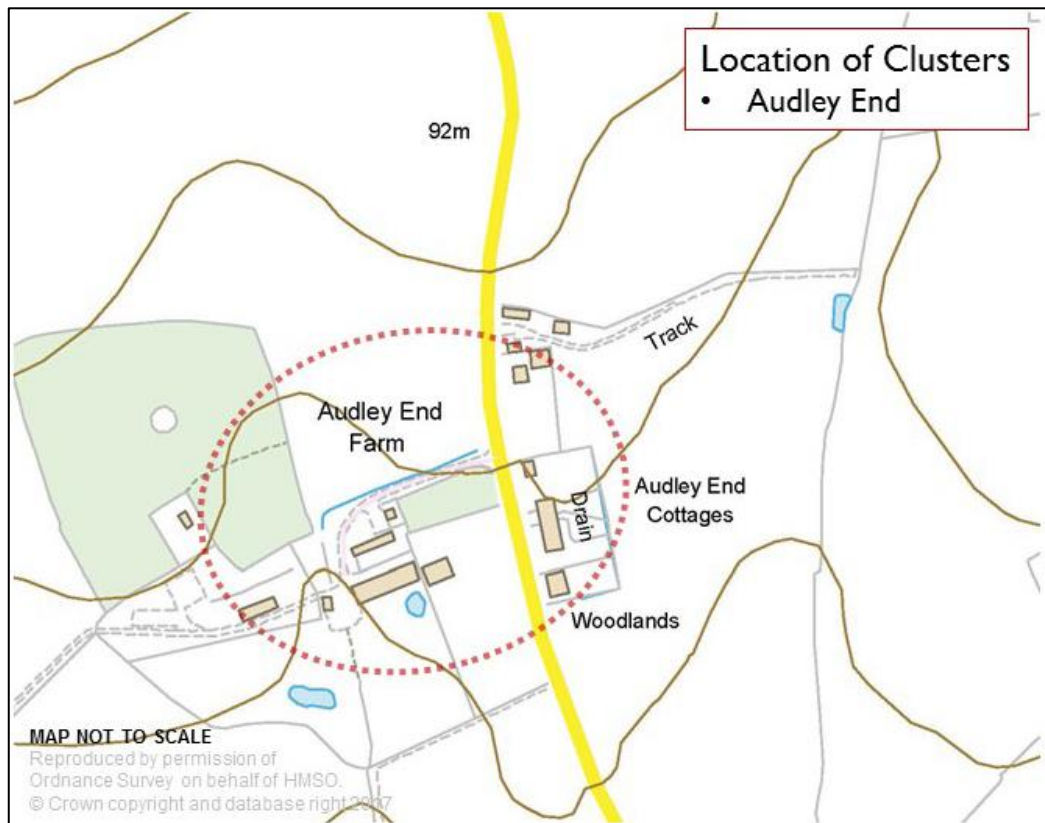
	<p>ancient hedgerows (included with this response at Appendix A) with eight species or more identified in the Hedgerows Survey. It differentiates between those identified on the Proposals Map (Green) and those that are not (Red). It can be seen that inclusion of all these hedgerows on the Proposals Map would make for a very complicated map. One answer might be to include the map as an appendix in the Neighbourhood Plan?</p> <p>Notwithstanding the principle of only identifying those ancient hedgerows in close proximity to the BUABs or Clusters, it is acknowledged that there are discrepancies between the Hanningfield Green Map on page 15 of the Character Assessment and the Proposals Map. It might therefore be appropriate to add some important hedgerows, as identified on the ancient hedgerows map and included in the Character Assessment, to the Proposals Map in Hanningfield Green.</p>
<b>Q6:</b>	<p><b>On the Character Area Map of Brands Lane on page 19 of the Character Assessment, the ancient hedgerow notation does not appear to match that indicated on the Proposals Map? Is this correct and if so, how should this be remedied? In addition on both the Proposals Map and the Character Area Map one of the viewpoints along Brands Lane seems to be across land that falls outside the Parish/Plan area boundary; is this correct?</b></p>
Lawshall PC response	<p>The discussion concerning the inclusion of ancient hedgerows on the Proposals Map is rehearsed above. Once again, and notwithstanding the outcome of the wider discussion of the inclusion of ancient hedgerows on the Proposals Map, it might be appropriate to add some important hedgerows to the Proposals Map at the eastern end of Brands Lane.</p> <p>With regard to the inclusion of a view on the Proposals Map that falls outside the Neighbourhood Plan area, this is an important view and, although it is outside the area covered by the Proposals Map and Neighbourhood Plan (and therefore carries no status) it will serve as a useful reference for the consideration of and responses to relevant planning applications in this vicinity in St Edmundsbury.</p>
<b>Q7:</b>	<p><b>In the light of the above, please would you check the other Character Area Maps including those of the sub sections and confirm that they tie in with the Proposals Map (I will of course do the same and so this request is to assist and confirm my own assessment).</b></p>
Lawshall PC response	<p>We have undertaken this assessment and Appendix B to this response provides our response.</p> <p>In this respect, the Character Assessment provides a background evidence document that has been prepared to support and inform the policies in the Neighbourhood Plan. However, in particular in relation to ancient hedgerows, not all of those hedgerows identified on the Hedgerows Survey are identified in the Character Assessment. It might be appropriate, for the sake of consistency, to include the Ancient Hedgerows Survey map in the Character Assessment and to rectify the discrepancies in the document before the Neighbourhood Plan is put forward to Referendum?</p>
<b>Q8:</b>	<p><b>One of the issues I have identified is how easy or difficult it would be for a prospective developer to be able to identify the extent of each of the clusters with clarity and precision. Would it be useful for the clusters to be identified more precisely and if so, please could maps be prepared for each? The next question also relates to this point.</b></p>

Lawshall PC response

The indication, on the Proposals Map, of the clusters referred to in Policies LAW1 and LAW3 is intended not to act as a defined boundary of the clusters but to identify their location as the draft policy (LAW3) identifies where development could take place in the clusters (“an undeveloped plot adjacent to or fronting an existing highway and within a cluster identified in Policy LAW1”). As such a conscious decision was made not to define the boundary of a cluster as the policy wording would guide decisions.

However, it is acknowledged that both the Proposals Map and the Clusters and BUAB map on page 20 of the Draft Neighbourhood Plan document do not provide clarity and that larger maps within the document might help to define the location of the clusters. Maps have therefore been produced that we consider could be placed within the Neighbourhood Plan, following Policy LAW1 to provide greater clarification as to where the clusters are.

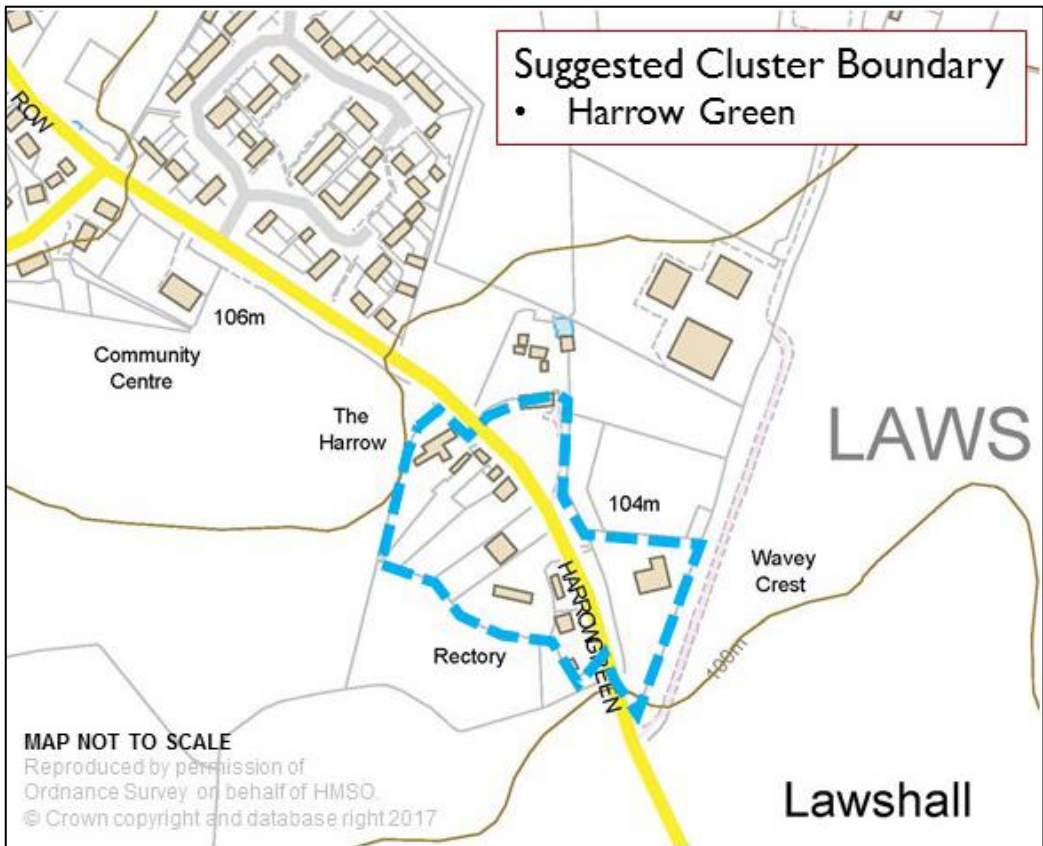
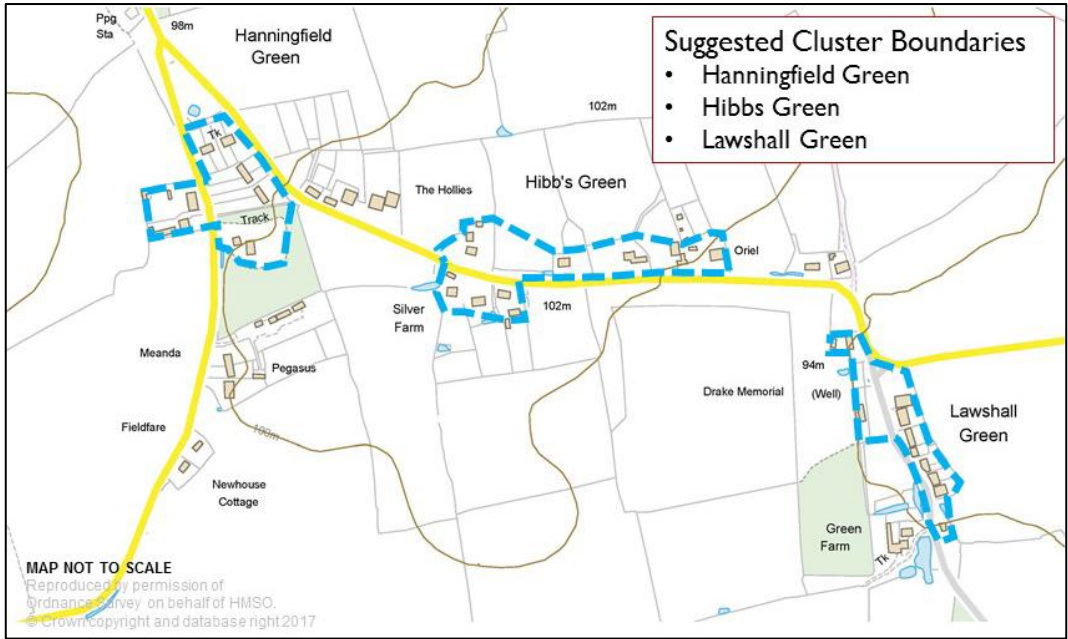


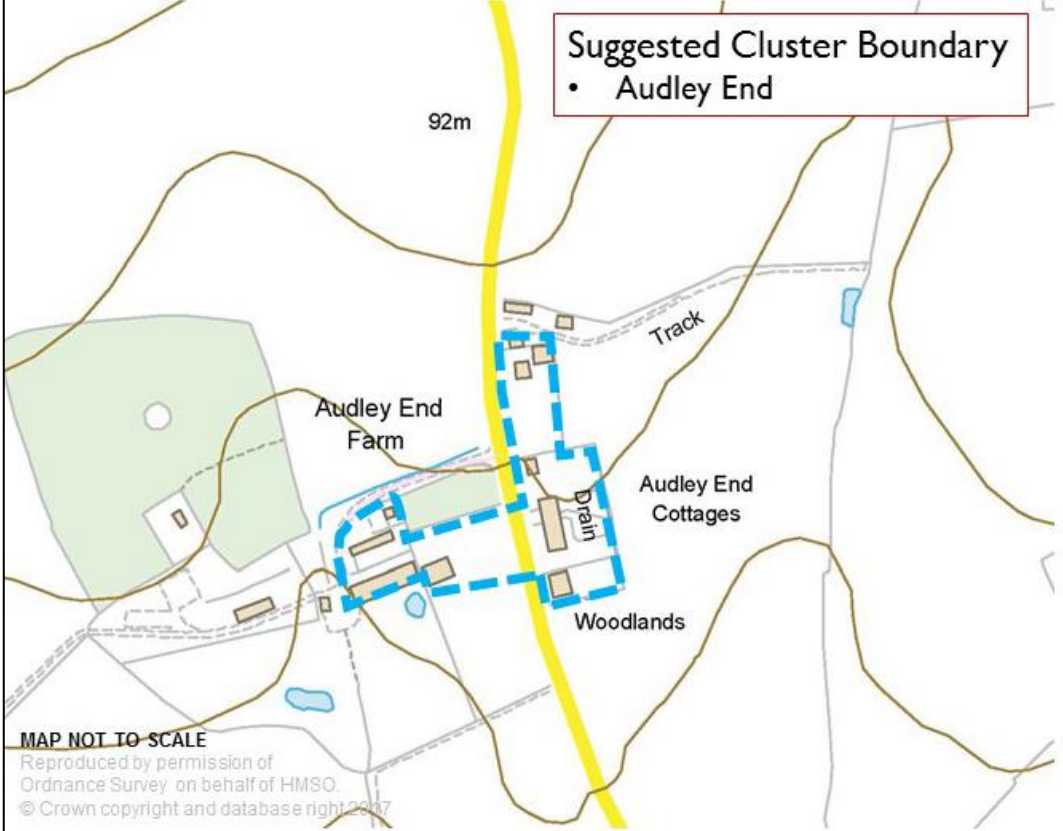


If the Examiner feels that greater precision is required in terms of the extent of the clusters, we would urge that a recommendation to define the cluster boundaries is given careful consideration in terms of the potential unintended consequences of defining such boundaries. The Examiner will be aware that the Babergh Core Strategy contains Policy CS11 that allows the consideration of development outside but adjoining defined Built-Up Area Boundaries (BUABs). The draft Neighbourhood Plan respects this policy and redefines the BUABs that were designated in the 2006 Babergh Local Plan acknowledging that, in appropriate circumstances, some housing development would be acceptable in accordance with Policy CS11.

The situation with defining the boundaries of the clusters is, we feel, very different. Engagement through the Plan preparation process has identified strong support across the community to retain the distinct identity of the village and its many hamlets across the parish. We therefore urge that, should the Examiner consider that the boundaries of each cluster should be defined on a map, they should not be defined as BUABs that would make Policy CS11 applicable to them. The boundary should, we would suggest, be defined as a Cluster Boundary and it be made explicit in the Neighbourhood Plan that Policy CS11 does not apply to these boundaries.

Notwithstanding these concerns, we have produced maps identifying proposed boundaries. The boundaries have been drawn tightly around the extent of residential properties in the clusters but still, we feel, would allow development to take place in them that accords with the wording of Policy LAW3 in the submitted Neighbourhood Plan.

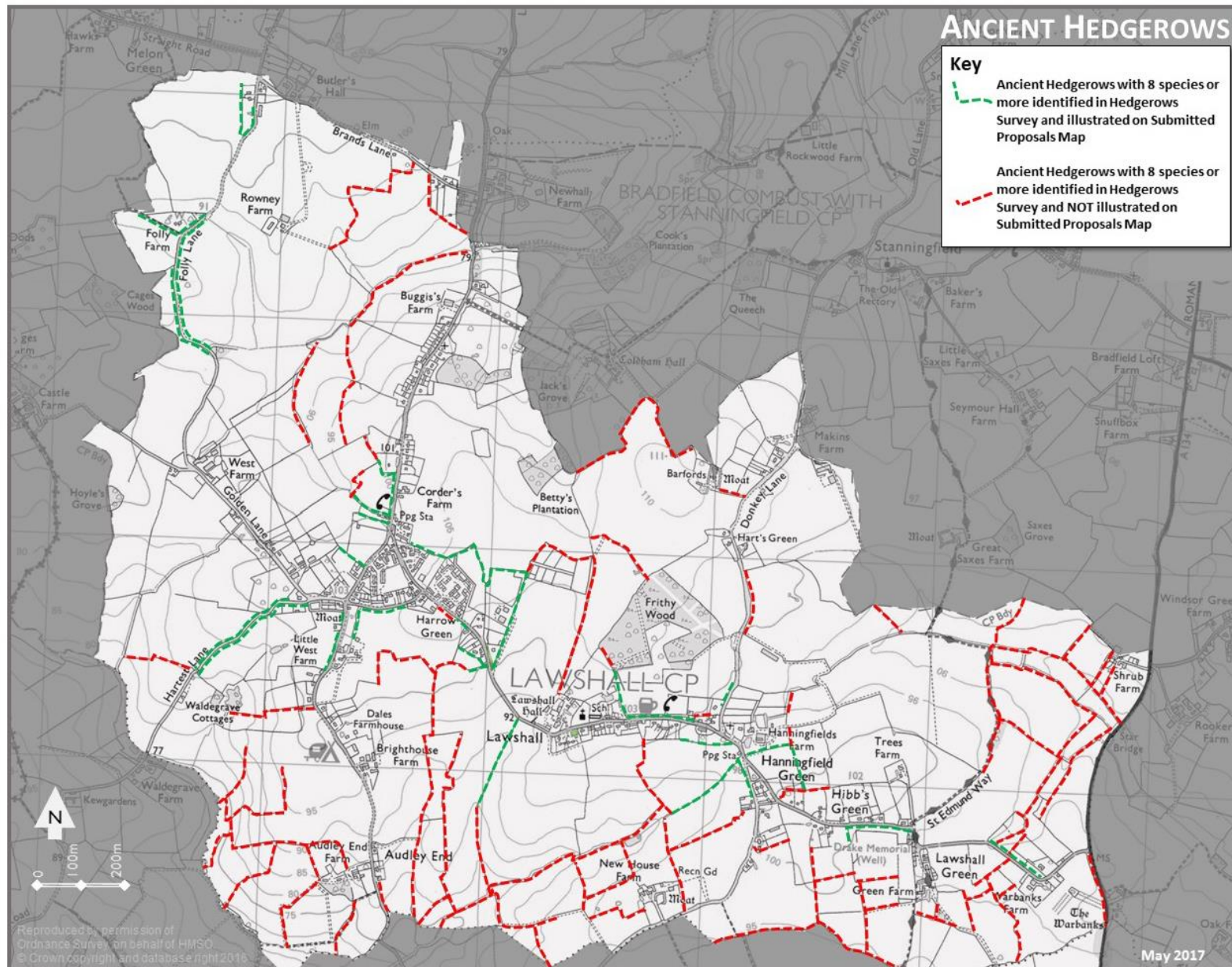


	
<p><b>Q9:</b></p>	<p><b>The Character Assessment shows four of the five clusters on page 15 (the one not shown is Audley End). The maps show the clusters in a white background, but it may not have been the intention to define them as such in the Character Assessment. They appear to be bigger than the circles on the Proposals Map for instance. If it was not the intention for the clusters to be shown on the Character Area maps, would it be best if the white background were to be removed to avoid confusion? Or should these areas be adopted as the definitions of the clusters and be brought forward to the Proposals Map? And Audley End added?</b></p>
<p>Lawshall PC response</p>	<p>The identification in the Character Assessment is the broad area of that particular character area which was identified when the Assessment was undertaken. The Character Assessment forms part of the evidence base that has informed the objectives and policies of the Neighbourhood Plan. As such it is not defining the extent of the clusters as have been identified in the Neighbourhood Plan but draw attention to the particular character area of, for example, a village green. If, despite this explanation, it was considered to be helpful for the shaded area to be removed from the CA map then we could facilitate this and would publish a revised Character Assessment.</p>
<p><b>Q10:</b></p>	<p><b>A Strategic Environmental Assessment Screening Report of December 2016 has been submitted. It does not specify the version of the Plan assessed. Secondly, it refers to seeking the opinions of the statutory consultees, but no details are given about this consultation or the responses received from Historic England, Natural England or the Environment Agency. In addition there is little assessment of the likely significant effects set out in Schedule 1 as referred to in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. Please ...</b></p>

	<ul style="list-style-type: none"> <li>i. confirm which version of the Plan was assessed,</li> <li>ii. provide details of the consultation undertaken with the statutory consultees and copies of the responses received (or confirmation that no replies were forthcoming) and</li> <li>iii. how the criteria specified in Schedule 1 to the Regulations have been taken into account.</li> </ul>
Babergh DC response	<ul style="list-style-type: none"> <li>i. The EIA Screening was assessed on the Pre-submission (draft) version of the Lawshall NP (Oct 2016).</li> <li>ii. An e-mail was sent by Babergh DC on 15 Nov 2016 to the Environment Agency, Natural England and Historic England. Responses were received from the Environment Agency and Natural England. Our contact at Historic England advised that our screening request had been forwarded to the Cambridge Office for them to deal with. No further communication from Historic England was forthcoming. In hindsight, copies of all three responses should have been appended to the SEA Screening Report dated Dec 2016. We apologise for that oversight. Copies are now appended to this document (Appendix C).</li> <li>iii. Based on the content of the Pre Submission Draft Plan it was considered that the draft policies contained in the Neighbourhood Plan did not give rise to additional potentially significant environmental effects which had not been subject to assessment in the Core Strategy. Consequently a sustainability appraisal was not undertaken.</li> </ul>
<b>Q11:</b>	<p><b>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. Only Regulation 32 is applicable to neighbourhood plans and this states “The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>1</sup> or a European offshore marine site<sup>2</sup> either alone or in combination with other plans or projects.” Please advise me what assessment has been carried out in respect of this basic condition or provide me with sufficient information to enable me to consider whether this basic condition can be complied with.</b></p>
Babergh DC response	<p>As per bullet iii) above it was considered that the Neighbourhood Plan was not considered to give rise to new potentially significant effects. Natural England and the Environment Agency did not raise any concerns regarding likely significant effects on European sites or on Offshore Marine Sites when consulted through the screening process in November 2016.</p>

<sup>1</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>2</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007



## **APPENDIX B (Response to Q7 refers)**

### **Identified Discrepancies between Proposals Map and Character Assessment Maps**

As requested, an assessment has been made of any discrepancies between the Proposals Map and the Maps in the Character Assessment. Any discrepancies are identified below and the maps that follow.

#### CA Area 1: Main Population Hub Map 1 below

The Proposals Map shows the ancient hedges either side of Hartest Lane. These are not on the CA Area 1 map.

Even though they're not in the actual confines of Area 1, they should probably be added for consistency, since other ancient hedges are shown outside the Area i.e. going up to Golden Wood and north of The Glebe.

There is also a bit of ancient hedgerow to add at the top of the CA1 map on Bury Rd (west side) and the two settlement gaps each side of Bury Rd in the same place.

Add bits of ancient hedges at the end of the gardens on Harrow Green (south & bottom RHS of CA1) and also along the dotted track to the farm (bottom RHS corner of CA1 map)

The green space/wide verge at Harrow Green also creeps onto this corner so could be added.

An alternative would be to not identify any features beyond the edge of defined area, especially if the ancient hedgerows map is included in the Character Assessment

#### CA Area 2: Residential Roads Map 2 below

##### a) Melford Rd

Melford Rd CA map does not show the Hartest Lane ancient hedges that are on the Proposals Map.

##### b) Bury Rd

Proposals Map does not show 2 features that are on the Bury Rd CA map (See Map 3 below)

- 1) ancient hedge at north end off road and running west. A decision on inclusion would rely on whether all ancient hedgerows are to be included on the Proposals Map.
- 2) The view opposite Black Kiln Plantation (illustrated below) is not illustrated on the Proposals Map.

The Bury Road CA Map does not show the ancient hedgerow at the southern end on the western side of the road.

##### c) The Street

The ancient hedgerow from the pumping station at Hanningfield Green heading south west across fields is missing from the CA2 map for The Street, but present on the Hanningfield Green map.

#### CA Area 3: Village Greens Map 4 below

##### a) Harrow

On the Proposals map, at South end of green, there are 2 small sections of ancient hedge going towards West. These are not shown on the CA area map. I think these should be added.

b) Hanningfield

The ancient hedge on the Proposals map, again missing on the CA map. This goes South from the 'F' of Hanningfields Farm. I would add this as it's close to an area that we're allowing some development on.

There are also hedges running both West and East at Southern end of green on the CA map not shown on the Proposals map.

c) Hibbs

Small length of ancient hedgerow at NW corner should be added to be consistent with the Hanningfield Map (as identified above).

d) Lawshall Green

No discrepancies.

CA Area 4: Country Lanes Map 5 below

a) Donkey Lane

On the CA map there's a line of ancient hedge along the East of the lane just north of the access to Frithy Wood. This is not on the Proposals Map and its addition would be dependent upon the recommendation about including all ancient hedgerows on the Proposals Map.

The important view identified on the proposals map, North of the listed buildings, and facing East, is missing on the CA map.

There are two lengths of ancient hedgerow at the southern end that are identified on the Proposals Map but not on the CA Map.

b) Brands Lane

2 hedges are shown on CA map South of the lane near Western end. These are not on Proposals map and their addition would be dependent upon the recommendation about including all ancient hedgerows on the Proposals Map.

Also, hedges just South of Melon Green are not shown on this map (though they do appear on the next map Folly Lane (North)).

c) Folly Lane (North) & Melon Green

Ancient hedgerow on west side of Folly Lane and adjoining listed buildings not shown on CA Map but identified on Proposals Map. Matters concerning ancient hedgerow on east side of Folly Lane addressed in answer to Question 3 above.

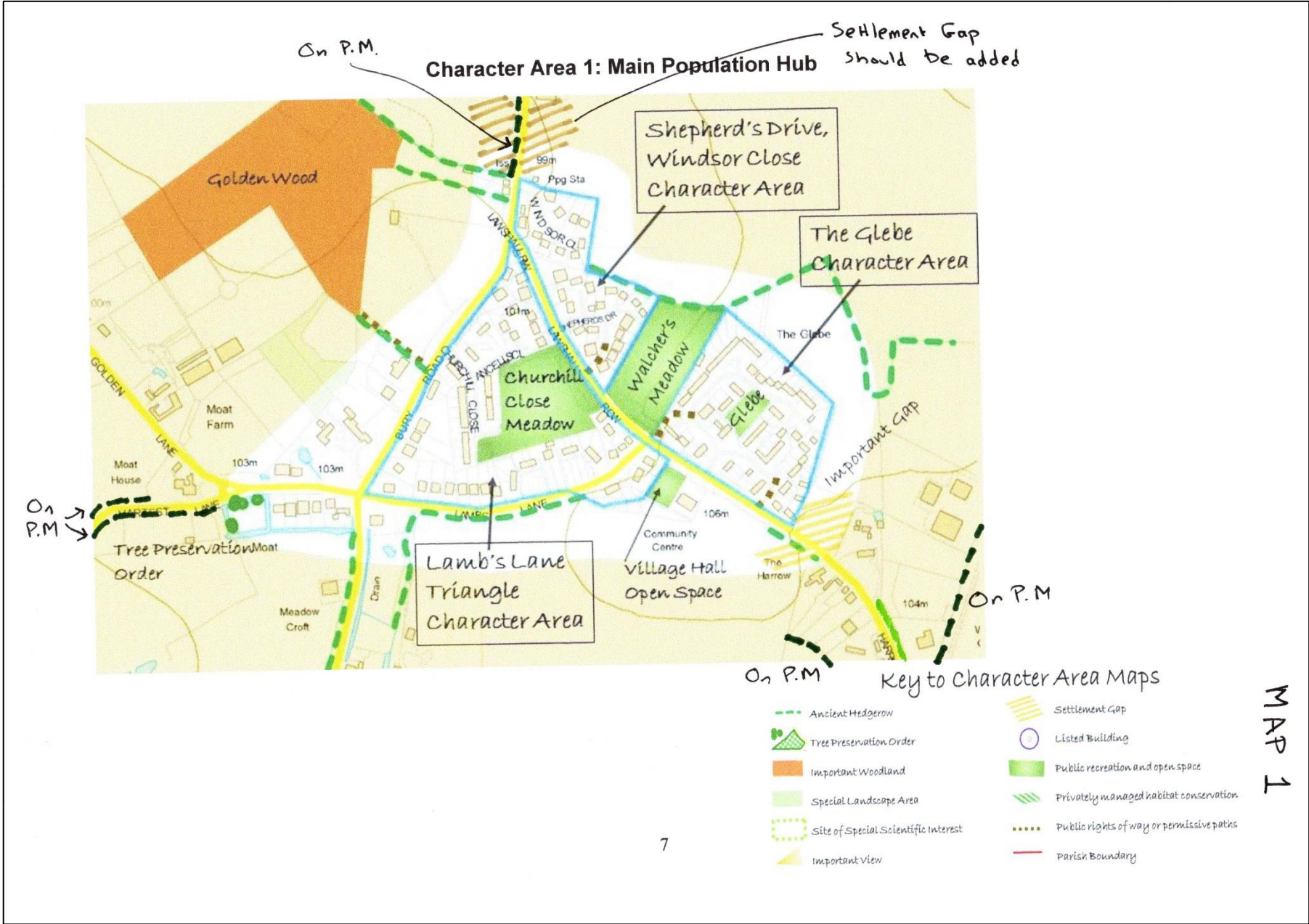
Important view missing on CA map facing West just South of the listed building.

d) Folly Lane (South)

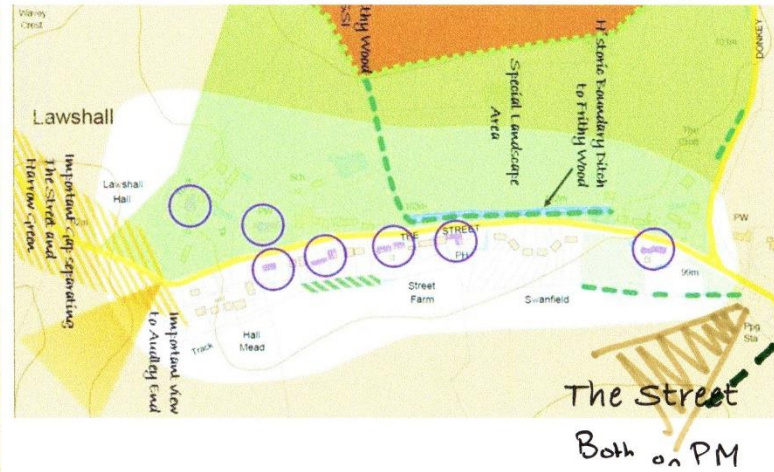
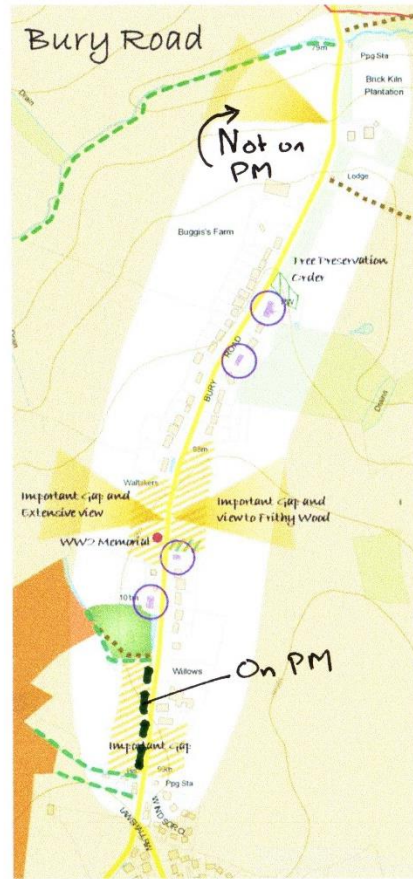
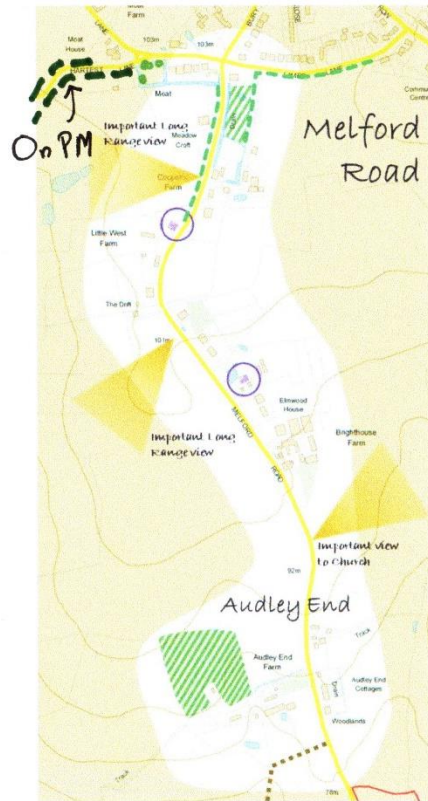
Matter addressed in response to Question 3 above.

e) Golden Lane

No discrepancies.



## Character Area 2: Residential Roads



### Key to Character Area Maps

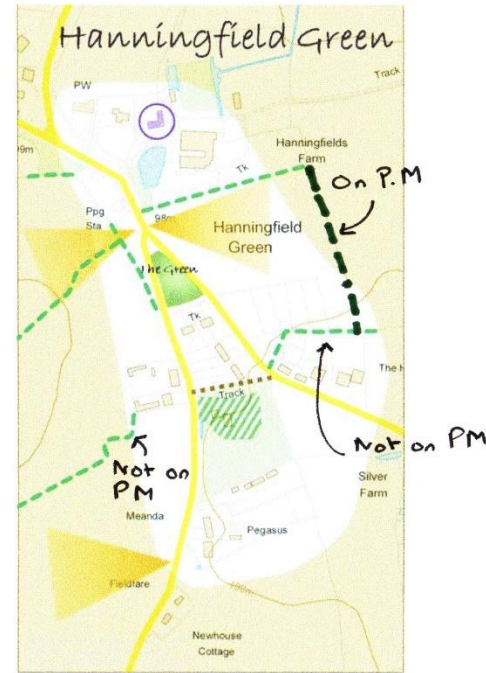
- Ancient Hedgerow
- Tree Preservation Order
- Important Woodland
- Special Landscape Area
- Site of Special Scientific Interest
- Important View
- Settlement Gap
- Listed Building
- Public recreation and open space
- Privately managed habitat conservation
- Public rights of way or permissive paths
- Parish Boundary

MAP 2

MAP 3



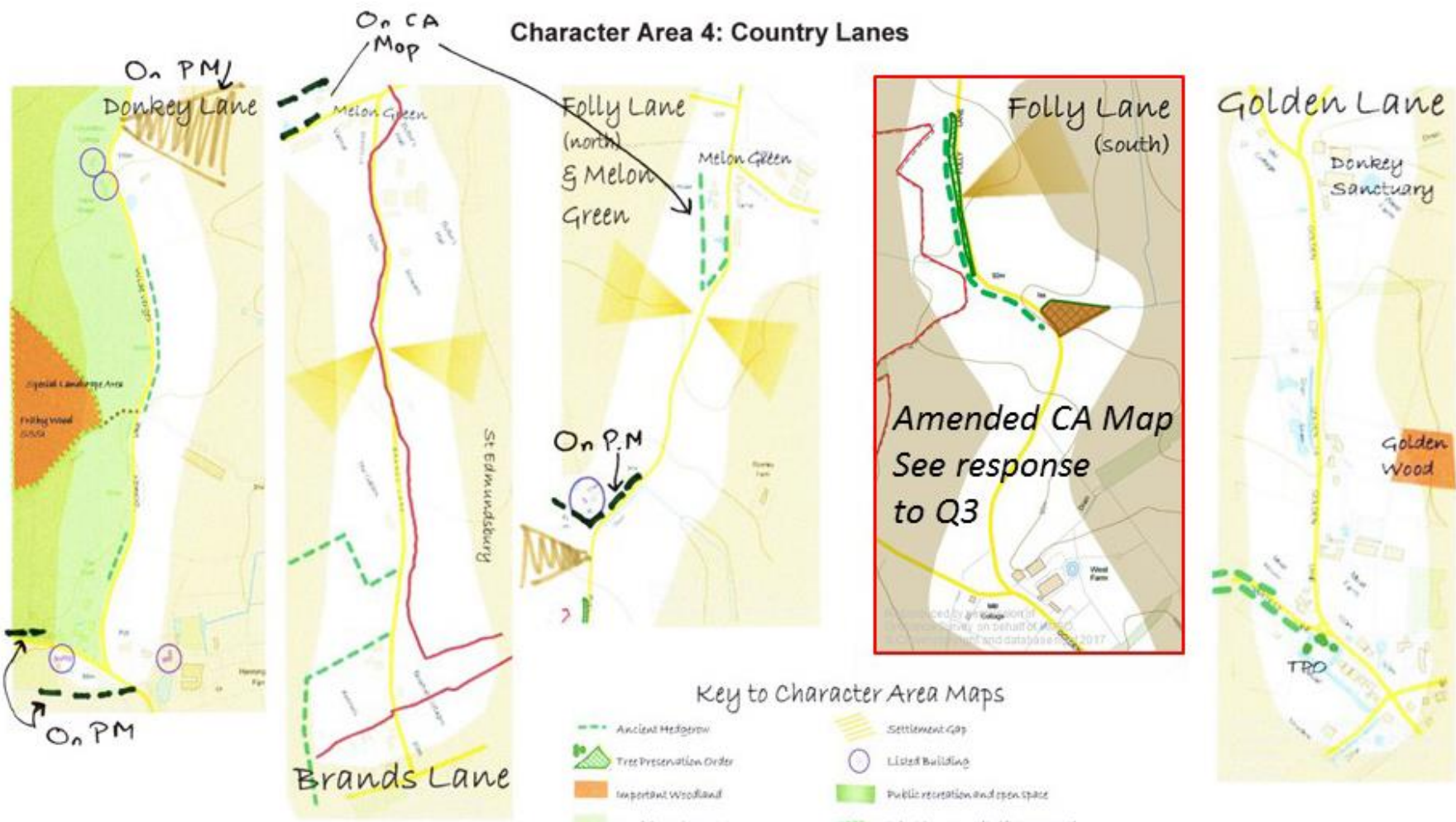
### Character Area 3: Village Greens



### Key to Character Area Maps

- |                                     |  |
|-------------------------------------|--|
| Ancient Hedgerow                    | Settlement Gap                           |
| Tree Preservation Order             | Listed Building                          |
| Important Woodland                  | Public recreation and open space         |
| Special Landscape Area              | Privately managed habitat conservation   |
| Site of Special Scientific Interest | Public rights of way or permissive paths |
| Important View                      | Parish Boundary                          |

### Character Area 4: Country Lanes



MAP 5

**Appendix C** (Response to Q10 refers)

**Copies of SA Screening Opinion request and responses received from: Environment Agency, Natural England and Historic England**

**From:** BDC  
**Sent:** 15 November 2016  
**To:** [Environment Agency, Natural England & Historic England]  
**Subject:** Env' Assessment of Plans & Programmes Regs 2004, Reg' 9 Screening Determination: [Lawshall] Neighbourhood Development Plan

Dear Statutory Consultee,

Please find attached the necessary documents requesting a screening opinion on whether the Lawshall Neighbourhood Development Plan requires a Strategic Environmental Assessment. The Neighbourhood Plan itself can be viewed on the Parish Council Website using the following link:

<http://lawshall.onesuffolk.net/assets/Neighbourhood-Plan-Documents/Corrected-PRE-SUBMISSION-DRAFT-for-printing.pdf>

The Neighbourhood Development Plan covers a 20-year period from 2016 to 2036. It provides for a minimum of 20 new homes to be accommodated in the plan area in this period, including on sites outside but adjacent to the built-up area boundary and on infill plots within small clusters of dwellings.

Please can you respond by Friday 2<sup>nd</sup> December 2016

Paul Munson  
Planning Consultant - Spatial Planning Policy  
Babergh and Mid Suffolk District Councils - Working Together

**From:** Simon Metcalfe, **Environment Agency**  
**To:** Paul Munson [BMSDC]  
**Sent:** Mon 21/11/2016 16:36

Good afternoon Paul,

Thank you for consulting us on the Lawshall Neighbourhood Development Plan.

Having reviewed the documents, as submitted, we confirm that we do not disagree with the conclusions reached and that it is not necessary to undertake a Strategic Environmental Assessment.

We would welcome any information on any planned developments in the future.

Kind regards Simon.

**Simon Metcalfe**  
Sustainable Places Planning Advisor  
East Anglia area (East)  
Internal 48012 / External 02 08 47 48012  
[simon.metcalfe@environment-agency.gov.uk](mailto:simon.metcalfe@environment-agency.gov.uk)  
Iceni House, Cobham Road, Ipswich, IP3 9JD

Date: 29<sup>th</sup> November 2016

Our ref: 201485



Paul Munson

Planning Consultant - Spatial Planning Policy

Babergh and Mid Suffolk District Councils - Working Together

[Paul.Munson@baberghmidsuffolk.gov.uk](mailto:Paul.Munson@baberghmidsuffolk.gov.uk)

Customer Services  
Hornbeam House  
Crewe Business  
Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Munson

**Lawshall Neighbourhood Plan: Strategic Environmental Assessment (SEA) screening opinion**

Thank you for your consultation on the above dated 15<sup>th</sup> November 2016 which was received by Natural England the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), **there are unlikely to be significant environmental effects from the proposed plan.**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

This concludes Natural England's advice which I hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Jack Haynes using the details given below. For any new consultations, or to provide further information on this consultation, please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

**Jack Haynes**

Land Use Operations Norfolk & Suffolk Team

Email: [jack.haynes@naturalengland.org.uk](mailto:jack.haynes@naturalengland.org.uk)

Tel: 0208 02 64857

From: Katherine Fletcher, **Historic England**  
To: Paul Munson [BMSDC]  
Cc: Gary Griffin  
Sent: Tue 15/11/2016 13:19

Thank you for sending this consultation to Historic England. I have now moved to our London office and so I am forwarding your email to our Cambridge office who cover your area.

For future consultations, please could you remove me from your database and send all planning policy consultations to: [eastplanningpolicy@HistoricEngland.org.uk](mailto:eastplanningpolicy@HistoricEngland.org.uk)

Best wishes

Katharine Fletcher  
(Historic Environment Planning Adviser)  
Historic England, London Office  
1 Waterhouse Square, 138-142 Holborn  
London EC1N 2ST

Direct dial: [# removed]



Historic England

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