

Babergh District Council



Lawshall Neighbourhood Development Plan

Submission Consultation Responses

In January 2017 Lawshall Parish Council (the 'qualifying body') submitted their Neighbourhood Development Plan to Babergh District Council for formal consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation period ran from Monday 13th February 2017 until Friday 31st March 2017.

Seven organisations or individuals submitted representations. These are listed below, and copies are attached.

Ref No.	Consultee
LWS-1	(Suffolk County) Councillor Richard Kemp
LWS-2	Babergh & Mid Suffolk Heritage Team - <i>re Policy LAW11 & LAW12</i>
LWS-3	Historic England
LWS-4	Natural England
LWS-5	Anglian Water
LWS-6	Hunter Page Planning (obo Mr Hollis, Extrafriend Ltd) - <i>re LAW1, 3, 9 & 14</i>
LWS-7 (0)	Mr Livall - <i>re Basic Conditions</i>
LWS-7 (1)	Mr Livall - <i>re para 9.9 & 9.10 (Housing Quantity)</i>
LWS-7 (2)	Mr Livall - <i>re LAW3 (Sequential Approach)</i>
LWS-7 (3)	Mr Livall - <i>re LAW12 & LAW13c (Residential Gardens)</i>
LWS-7 (4)	Mr Livall - <i>re LAW7 (Frithy Wood)</i>
LWS-7 (5)	Mr Livall - <i>re LAW7 (Ancient Hedgerows)</i>
LWS-7 (6)	Mr Livall - <i>re LAW8 (Biodiversity)</i>
LWS-7 (7)	Mr Livall - <i>re LAW7 (Locally Important Wildlife Sites)</i>
LWS-7 (8)	Mr Livall - <i>re LAW9 (Settlement Gaps)</i>
LWS-7 (9)	Mr Livall - <i>re Important Countryside Frontage</i>
LWS-7 (10)	Mr Livall - <i>re LAW10 (Special Landscape Areas)</i>
LWS-7 (11)	Mr Livall - <i>re Conservation Area</i>
LWS-7 (12)	Mr Livall - <i>re LAW7 & LAW8 (Lack of Openness & Transparency)</i>
LWS-7 (13)	Mr Livall - <i>re Policy LAW1</i>
LWS-7 (14)	Mr Livall - <i>re Policy LAW2</i>
LWS-7 (15)	Mr Livall - <i>re Policy LAW3</i>
LWS-7 (16)	Mr Livall - <i>re Policy LAW4</i>
LWS-7 (17)	Mr Livall - <i>re Policy LAW5</i>
LWS-7 (18)	Mr Livall - <i>re Policy LAW6</i>
LWS-7 (19)	Mr Livall - <i>re Remaining Policies</i>
LWS-7 (20)	Mr Livall - <i>re Additional Information</i>

Paul Bryant

From: Richard Kemp
Sent: 10 February 2017 16:42
To: BMSDC Community Planning
Subject: RE: Consultation - Lawshall NDP Reg 16 Submission Doc

T-SM7

As the County Councillor for Lawshall i fully support this Plan Thanks RK

Sent from my Windows Phone

From: BMSDC Community Planning
Sent: 10/02/2017 16:18
To: BMSDC Community Planning
Subject: Consultation - Lawshall NDP Reg 16 Submission Doc

Please note: This e-mail has been sent on behalf of Bill Newman

Dear Sir / Madam

Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) - Lawshall Neighbourhood Development Plan

We are contacting you because you are a Statutory Consultee or because you have previously indicated that you have an interest connected with the parish of Lawshall.

Please be advised that, on Monday 13 February 2017, we launch a minimum six-week public consultation on the draft Lawshall Neighbourhood Development Plan.

Further details are set out in the **attached letter** and on the Babergh District Council website at: <http://www.babergh.gov.uk/LawshallNDP>

Comments are being invited at any time during the consultation period will close at 4:00pm on Friday 31st March 2017.

Yours faithfully

Paul Bryant
Business Support Officer | Planning for Growth
Babergh & Mid Suffolk District Councils - Working Together
T: 01449 724771
E: (communityplanning@baberghmidsuffolk.gov.uk)

Sent for and on behalf of:

Bill Newman
Corporate Manager | Strategic Planning
Babergh and Mid Suffolk District Councils - Working Together



2-SM

Strategic Planning
Babergh and Mid Suffolk District
Councils
133 High Street
Needham Market
Ipswich
IP6 8DL

Please ask for:	Heritage Team
Direct line:	01449 724677
Fax number:	
Your reference:	Lawshall NP
Our reference:	
E-mail:	conservation@baberghmidsuffolk.gov.uk
Please reply to:	Needham Market offices

Date: 31 March 2017

Dear Sir/Madam

Thank you for your consultation directed to the Heritage Team on the proposed Lawshall Neighbourhood Plan.

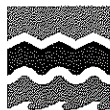
Based on the sections of the submitted Neighbourhood Plan which relate to Heritage matters, the Babergh and Mid Suffolk Heritage Team have the following recommendations:

Policies LAW11 – Protection of Heritage Assets and LAW12 – Local Heritage Assets, should refer more closely to the phrasing with the National Planning Policy Framework. This would provide a more robust argument should these Neighbourhood Plan Policies be drawn on during the Planning decision making process. Policy LAW11 c. suggests that justification should be provided for any works to heritage assets which would cause harm or substantial harm. However, it should be considered that justification be provided for all works to heritage assets as a way of gauging what level of harm or impact there will be, not only negative affects but also any potential enhancement – similar to local validation requirements for Heritage Statements.

Within the text in Part Two, section 11. "Our Built Heritage & Design", there are several references to appendices, including: Appendix 4 for more on Lawshall's Buildings and Structures of Note (pg 41), and Appendix 5 for more detail on Special House Features (pg 42). There are several sections to the back of the Neighbourhood Plan which complement the main body of the document which also have appendices. Better reference could be made to the correct appendices or distinction between the NP Consultation Statement and NP Strategic Environmental Assessment Screening Report, and the main body of the Lawshall NP Submission to structure the sections with clarification.

Babergh and Mid Suffolk Heritage team notes the recommendations made by Historic England on various HE Good Practice Advice guidance documents and recommends these as well, particularly should further work be explored on the designation of conservation areas and establishing a local list of buildings and structures of note.

Yours sincerely
Tegan Chenery
Heritage and Design Officer
on behalf of Babergh and Mid Suffolk Heritage Team



Historic England

EAST OF ENGLAND OFFICE

S-STM

Mr Paul Bryant
Babergh & Mid Suffolk District Councils
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Direct Dial:

Our ref: PL00046082

4 March 2017

Dear Mr Bryant

Ref: Lawshall Neighbourhood Development Plan Consultation Request

Thank you for your email inviting Historic England to respond to the consultation on the Lawshall Neighbourhood Development Plan.

Unfortunately, owing to current staffing capacity we will be unable to comment. We enclose a copy of our Neighbourhood Plan advice and would recommend that you consult the relevant conservation and archaeological specialists at Babergh District and Suffolk County councils.

Additional advice from Historic England you may find of use:

HE Good Practice Advice in Planning 1 - the historic environment in local plans:
<<https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>>

HE Good Practice Advice in Planning 2 - managing significance in decision-taking in the historic environment: <<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>>

HE Good Practice Advice in Planning 3 - the setting of heritage assets:
<<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>>

HE Advice Note 1 - conservation area designation, appraisal and management:
<<https://historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-management-advice-note-1/>>

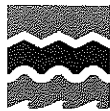
HE Advice Note 3 - site allocations in local plans:
<<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>>



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk





Historic England

EAST OF ENGLAND OFFICE

HE Advice Note 7 - Local Listing: <https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

HE Advice Note 8 - Sustainability Appraisal and Strategic Environmental Assessment : <https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

If you have specific questions which cannot be answered by your local conservation and archaeological specialists, please contact Historic England's Historic Places Team who can be reached on 01223 582749.

Yours sincerely,

Alice Eggeling
HISTORIC ENVIRONMENT PLANNING ADVISER



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
[HistoricEngland.org.uk](https://www.HistoricEngland.org.uk)



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Date: 24 March 2017
Our ref: 208439



LWS-4

Paul Bryant
Babergh District Council
Council Offices
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

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

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Bryant

Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) - Lawshall Neighbourhood Development Plan

Thank you for your consultation on the above dated 10 February 2017.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For clarification of any points in this letter and further consultations on your plan, please contact: 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

Alice Watson
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹²<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³<http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Paul Bryant

From: Hannah Wilson
Sent: 31 March 2017 12:53
To: BMSDC Community Planning
Subject: Lawshall NP consultation

S-SM7

Thank you for consulting Anglian Water regarding the above consultation.

Anglian Water have no further comments to make on the regulation 16 plan.

Kind regards
Hannah Wilson
Planning Liaison Manager



LWS-6

Representation Form

Lawshall Neighbourhood Development Plan 2016 - 2036

The Neighbourhood Planning (General) Regulations 2012 - Regulation 16 (as amended)

Lawshall Parish Council has prepared a Neighbourhood Development Plan (NDP) which sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

Copies of the Lawshall NDP and supporting documents can be viewed on the Babergh District Council website at: <http://www.babergh.gov.uk/LawshallNDP>

Hard copies may also be inspected at the Council Offices (Main Reception), Corks Lane, Hadleigh, Ipswich, IP7 6SJ (Mon - Fri between 9:00am and 4:00pm) and at The Swan Inn, The Street, Lawshall, Suffolk, IP29 4QA (Open daily, except Tuesday's, during lunchtime and most evenings. Please check local opening times).

How to submit your comments

All comments must be received by 4:00pm on Friday 31 March 2017

- Please complete Section One in full, in order for your representation to be taken into account at the Neighbourhood Plan examination.
- Please complete Section Two identifying which paragraph or policy your comments relate to by completing the appropriate box. You may comment on the content of more than one paragraph or policy but please make your comments clear by making the appropriate cross reference.
- Either, e-mail your completed form to: communityplanning@baberghmidsuffolk.gov.uk, or
- Post your completed form to: 'Lawshall NDP Consultation', c/o Mr Paul Bryant, Business Support Officer - Community Planning, Babergh & Mid Suffolk District Council, 131 High Street, Needham Market, Ipswich IP6 8DL

All comments will be forwarded on to the appointed Examiner. You should not assume that there will be an opportunity to add further information, although the Examiner may request additional information based upon matters that are identified for examination.

All comments will be made publicly available, be identifiable by name and (where applicable) organisation. Please note that any other personal information provided will be processed by Babergh District Council in line with the Data Protection Act 1998. It will not be possible to accept late representations.

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Emma Greening
Job Title (if applicable):	Senior Planner
Organisation / Company (if applicable):	Hunter Page Planning
Address:	Unit 12, Pine Court Kembrey Park Swindon
Postcode:	SN2 8AD
Tel No:	XXXXXXXXXX
E-mail:	XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	John Hollis Extrafriend LTD
Address:	c/o Agent
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW1
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

The acknowledgement that development will be supported outside of the built-up area boundary is commendable, especially as the settlement boundary appears to be very out of date having been based on Village Planning Policy Guidance from 1995 which was then incorporated into the Babergh Local Plan Alteration No. 2 (2006). This is pre-NPPF and now time expired.

What improvements or modifications would you suggest?

The District Council do not appear to have carried out a comprehensive assessment of settlement boundaries for a significant period of time, and planning policy has changed substantially with the introduction of the NPPF. It would perhaps be worth exploring whether there are any further possible extensions to the built-up area such as to the south of Bury Road to incorporate the Willows Residential Care Home.

Section Two: Your representation(s)

To which part of the document does your representation relate? *(You may wish to complete a separate form for each separate representation)*

Paragraph No.		Policy No.	LAW3
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Whilst the principle of development outside of the built-up area boundary is accepted, there is concern that the policy is overly restrictive in suggesting that this should only be up to 5 dwellings.

Policy CS11 of the Core Strategy and the SPD on Rural Development does not put a restriction on the number of dwellings. In addition, the NPPF, at Paragraph 58, emphasises the need to “optimise the potential of a site to accommodate development” and the recently published Government White Paper ‘Fixing our broken housing market’ emphasises, at Paragraph 1.53, that plans should make “efficient use of land and avoid building homes at low densities”. The restriction on the number of units should be removed as this is clearly in conflict with both national planning guidance and adopted Local Plan policy.

It is not clear within the policy where the CS11 checklist comes from. Also, the checklist set out on pages 17 and 18 does not appear to accord with that in Appendix 4 of the Rural Development and Core Strategy Policy CS11 SPD.

It is also not considered necessary for a Landscape Visual Impact Assessment to be requested for all new housing development outside of the built-up area boundary. This will need to be assessed on a case by case basis having regard to the features/constraints of the site along with the number of units being proposed. The NPPF is clear at Paragraph 193 that “the information requirements for applications should be proportionate to the nature and scale of development proposals”.

What improvements or modifications would you suggest?

The principle of a policy allowing development outside of the built-up area boundary is supported. However, in order for the plan to be in accordance with both national and local planning policy, the reference to up to 5 units needs to be removed and this assessed on a case-by-case basis. There may be instances where a higher number of dwellings, such as 10-15 units, may be appropriate and represent an efficient use of land, or whether other material considerations, such as an enabling development, may justify a higher number of dwellings.

The documents required for the planning application are also considered to be overly onerous and should be removed.

If you are including additional pages these should be clearly labelled and referenced.

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW9
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

The policy appears to contradict that for LAW3 and is considered to be unnecessary.

Policy LAW3 of the Neighbourhood Plan and Policy CS11 of the Core Strategy allows for development outside the settlement boundary subject to a number of criteria which would then be prevented by policy LAW9 as shown on the proposals map.

It is considered that appropriate safeguards remain by reason of Policy LAW3 to prevent coalescence.

What improvements or modifications would you suggest?

The policy should be removed.

If you are including additional pages these should be clearly labelled and referenced.

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW14
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

It is disappointing that this policy makes no reference to The Willows Residential Care Home. This is a key facility within the village providing accommodation for elderly people in line with Paragraph 50 of the NPPF and allows for local people to stay in the village and their community if they are no longer able to live independently within their own homes.

In addition, the care home employs over 40 people. This effectively makes it the largest employer within the parish.

The Neighbourhood Plan, as a whole, appears to have ignored this valuable facility which is not in the spirit of the NPPF. This states, at paragraph 28, that "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development".

It is understood that The Willows have made two presentations to the Parish Council setting out their case to ensure its financial viability for the future.

What improvements or modifications would you suggest?

The Willows Residential Care Home should be identified within this policy as this is a key facility and employer within the village.

The policy should be amended to actively support development which provides additional facilities and employment opportunities within the village, as well as ensuring the long term financial viability of the Residential Care Home.

If you are including additional pages these should be clearly labelled and referenced.

9-577

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

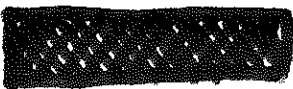
I consider that a hearing should be held because ...

Please be as brief and concise as possible

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Yes
The final 'making' (adoption) of the NDP by Babergh District Council	Yes

Signature: 	Date: 20/03/2017
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SECTION ONE - COVER SHEET ONLY

For Office use only: **LWS-7 (0) to LWS-7 (20)**

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Richard Livall
Job Title (if applicable):	N/A
Organisation / Company (if applicable):	N/A
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel No:	[REDACTED]
E-mail:	[REDACTED]

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	N/A
Address:	N/A
Postcode:	N/A
Tel No:	N/A
E-mail:	N/A

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Basic Conditions	Policy No.	
---------------	------------------	------------	--

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. What are the Basic Conditions?

1.1 The Plan must comply with the following Basic Conditions:

- 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 of the authority; and
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

2. Sustainable Development

2.1 The National Planning Policy Framework 2012 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.

Sources: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
<https://www.gov.uk/guidance/neighbourhood-planning--2#National-policy-and-advice>

2.2 The NPPF sets down that "the purpose of the planning system is to contribute to the achievement of sustainable development." (See Para 6). "There are three dimensions to sustainable development: economic, social and environmental. (See Para 7)

2.3 I consider that "the economic role" of the Neighbourhood Plan in achieving sustainable development to be extremely weak but as the Plan is criteria-based I can understand the logic of ceding policies fostering economic growth to the Babergh Core Strategy. There is little point in repeating such policies.

2.4 "The social role" I cannot realistically cover because I am unable to properly determine either the level or location of housing development that the Plan may deliver.

2.5 However, in terms of “the environmental role” of the Neighbourhood Plan in achieving sustainable development, I consider that the Plan currently fails as the environmental policy framework is in my opinion neither strong or adequate enough to cater for a potentially large number residential development proposals (including “knock-downs” and back-land developments) that may come forward given the configuration of Lawshall’s three main settlements.

2.6 I detail below the improvements that I consider should be made with reference to my attached Submission Statements

3. Built-Up Area Boundaries (BUABs)

3.1 The original purpose of the BUABs in the Babergh Local Plan was to identify the extent to which a settlement could be developed. It also took into account the need to:

- *protect the open countryside, and in particular areas of high landscape value;*
- *strengthen and complement Conservation Area boundaries and policies;*
- *protect important trees, vegetation and biodiversity;*
- *protect important archaeological features;*
- *protect important open spaces and recreational areas within and immediately without the defined boundary;*
- *avoid coalescence of adjoining settlements;*
- *accommodate changes in development within settlements; and*
- *identify a logical and defensible boundary that retains a relatively compact settlement form.*

Source: Babergh Local Plan Alteration No. 2 (2006) [p.52]

<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/Chapter03.pdf>

3.2 There is an inherent danger that some of the areas adjoining the BUABs will now be perceived as potential development sites when originally, they were areas identified in need of protection when the BUABs were first drawn.

3.3 The background text to the Neighbourhood Plan [8.4 (ii) CS11 Criteria (iii)] states:

“However, some locations adjacent to the BUABs are environmentally sensitive. In addition, extension of ribbon development can be damaging to the existing character and wider landscape. New development should reflect the existing settlement pattern of the village and this may mean, in some instances, locations outside the BUABs are preferable to locations adjacent to the BUABs.”

3.4 The tenor of most of my Submission Statements is to achieve stronger environmental safeguards for environmentally sensitive areas that adjoin the BUABs.

4. Vulnerability

4.1 The Plan should be amended to avoid over-reliance on Babergh District Council’s Rural Development and Core Strategy Policy CS11 SPD and its “sequential approach” to development, by incorporating additional safeguards to protect the special character and fabric of the village and its important environmental and landscape assets.

4.2 In particular, I highlight the need to introduce further measures to safeguard:

- (a) Frithy Wood SSSI and its network of ancient hedgerows and habitat corridors;
- (b) The ancient hedgerow and historic ditch fronting The Street (from Land north of Street Farm to Oakdene);
- (c) The Coldham Hall hedgerow/tree belt fronting Bury Road (from the Roman Catholic Church to the Gatehouse);

- (d) The garden of Old Rectory, Bury Road, Lamb's Lane; and
- (e) The amenity open space area to the north of The Street (opposite Well Cottage, Swiss Cottage and the Swan PH)

4.3 I have identified 24 potential development sites in Submission 1 and I highlight the need to introduce further measures to safeguard the following 8 environmentally sensitive sites from development:

Site 3 - Land north of Our Lady Immaculate & St. Joseph RC Church, Bury Road

Site 4 - Land east of Our Lady Immaculate & St. Joseph RC Church, Bury Road

Site 9 - Land at the rear of The Old Rectory, Bury Road

Site 10 - Land within The Old Rectory, Bury Road

Site 20 - Land to north of The Street (adjoining Land to north of Street Farm) - *Also referred to as the Frithy Wood Site.*

Site 22 - Land to north of The Street (adjoining Oakdene)

Site 23 - Land west of The Croft, Donkey Lane

Site 24 - Land north of The Croft, Donkey Lane

[In addition, a Settlement Gap should be achieved in Site 21 - Land between Swanfield and Fox Cottage, The Street]

4.4 At the same time residential gardens should be protected from infilling and back-land development where such development would have an adverse impact on the visually important landscape characteristics. The growing trend for "knock-downs" and "erase and replace" proposals should also be addressed in the Plan.

5. Conclusion

5.1 In terms of presentation, I consider the Lawshall Neighbourhood Plan to be an excellent planning document and I applaud the work of the Neighbourhood Plan Team in delivering such an innovative plan in a very tight time-scale, although I continue to have very serious reservations with regard to openness and transparency throughout the Plan process. (See Submission 12)

5.2 In terms of "the environmental role" of the Neighbourhood Plan in achieving sustainable development, I consider that the Plan does not yet meet the Basic Conditions and needs to be strengthened. (See Submissions 3 to 11 & Policy LAW6)

5.3 I also consider that the Plan is deficient in not defining appropriate level of development for Lawshall or defining appropriate locations for growth that do not impact upon the village's environmentally and visually sensitive landscapes. (See Submissions 1 & 2)

5.4 Vulnerable elements that help form the fabric and character of the village, as outlined in Paras 4.2, 4.3 and 4.4 above, are not adequately protected.

5.5 I have also made a small number of general submissions, most of which recognise the need for stronger environmental safeguards or better cross-referencing. (See Policies LAW1 to LAW5)

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

The following changes are in my view necessary to strengthen “the environmental role” of the Neighbourhood Plan in achieving sustainable development. The first two submissions below also cover the level of housing development and constraints.

1. Housing Quantity Submission

Level of development and environmental safeguards.

2. Sequential Approach Submission

Questions covering the relationship of the Neighbourhood Plan with Babergh District Council's "Rural Development and Core Strategy Policy CS11 SPD (August 2014)". (Policy LAW3)

3. Residential Gardens Submission

New Policy covering Infilling and Back-land Development.

4. Frithy Wood Submission

Amendment to Policy LAW7.

5. Ancient Hedgerows Submission

Amendment to Policy LAW7 (Repeat)

6. Biodiversity Submission

Amendment to Policy LAW8.

7. Local Wildlife Sites Submission

New Policy covering Locally Important Wildlife Sites

8. Settlement Gaps Submission

Amendment to Policy LAW9 and Proposals Map

9. Important Countryside Frontage Submission

New Policy covering Important Countryside Frontage

10. Special Landscape Areas Submission

Amendment to Policy LAW10

11. Conservation Area Submission

Amendment to Para 11.12 & Community Action

Policy LAW6

Amendment to Policy LAW6 and Proposals Map

My other submissions cover:

12. Openness & Transparency

Policy LAW1

Policy LAW2

Policy LAW3

Policy LAW4

Policy LAW5

Remaining Policies

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain important issues that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall	Date: 30 March 2017
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1. HOUSING QUANTITY - SUBMISSION

For Office use only: **LWS-7 (1)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.9 & 9.10	Policy No.	Housing Quantity and Implications
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy framework background

National Planning Policy Framework (2012) states:

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development."

"50. To create sustainable, inclusive and mixed communities, local planning authorities should:

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand"

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....."
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Core Strategy & Policies 2011 - 2031 (Part 1 of the new Babergh Local Plan) Adopted February 2014)

The background text states:

"Core Villages will accommodate a proportion of new development, and as each village is different in size, character, location and the role it plays within its rural hinterland it is not possible to identify a number, or range of homes numbers at this stage. The amount of new development and locations for growth in each of these settlements will be considered in detail with local communities at the site allocations stage and will depend on a thorough analysis of local needs, opportunities, environmental, physical and social infrastructure constraints, including..... (Paragraph 2.8.5.3)"

"It is clear that the Core Villages identified are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village. This is especially the case where villages are situated within environmentally and visually sensitive landscapes (Paragraph 2.8.5.3)"

.....Although a total number of **1,050 new dwellings** is indicated in Policy CS3, this includes the ten Core Villages and all the Hinterland Villages. It is therefore important that this is **not viewed as a sum simply to be divided equally or randomly between the number of villages listed**. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as “appropriate” in different settlements, even those within the same category

(Paragraph 2.8.5.4)”
<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Core-Strategy/CORE-STRATEGY-AND-POLICIES-FINAL-Feb-2014.pdf>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

The background text states:

*“9.9 The most common position here is that we need a few more houses in Lawshall, with the majority of respondents suggesting that 10-25 new houses over the next 15 years would be most appropriate (extrapolating to say 15-30 for 20 years). The support for more extensive development is negligible. This is broadly consistent with results from our 1st consultation, though the number of consultees is much lower and so less statistically robust. Here the results indicated that **45 new houses over the next 10 years would be acceptable though not necessarily desired.**”*

*“9.10 So the NP does not specify a minimum number of new homes that will be built in the village over the next 20 years, but we consider that, taking the village’s role in the Core Strategy and the findings of our research, **a minimum of 20 new homes could be accommodated in the village without having a detrimental impact on the characteristics of Lawshall.**“*

2. General Appraisal

2.1 The Lawshall Neighbourhood Plan does not make clear what level of development can be anticipated within the Parish in the period up to 2036. The opportunities that the Plan provides for new development within the Parish are in my view immense given the context of Policy LAW3 which allows small groups of up to 5 dwellings outside, but adjacent to, the Built-up Area Boundary and single or semi-detached dwellings within a cluster identified in Policy LAW1.

Potential “small group” development sites (with reference to Policies LAW2 & LAW3):

No.	Location	
1.	Land north of Bury Road [Boggis Farm]	Bury Road
2.	Land north-west of Bury Road	Bury Road
3.	Land north of Our Lady Immaculate & St. Joseph RC Church, Bury Road	Bury Road
4.	Land east of Our Lady Immaculate & St. Joseph RC Church, Bury Road	Bury Road
5.	Land at the rear of Hawthorns, Bury Road	Bury Road
6.	Land within the curtilage of The Willows Care Home, Bury Road	Bury Road
7.	Land opposite the Lawshall Row/Bury Road junction	Lamb’s Lane
8.	Land opposite the Churchill Close/Bury Road junction	Lamb’s Lane
9.	Land at the rear of The Old Rectory, Bury Road	Lamb’s Lane

10.	Land within The Old Rectory, Bury Road	Lamb's Lane
11.	Land north of Golden Lane / Hartest Lane junction	Lamb's Lane
12.	Moat site, south of Golden Lane / Hartest Lane junction	Lamb's Lane
13.	Land west of Melford Road	Lamb's Lane
14.	Land east of Melford Road	Lamb's Lane
15.	Land within garden and east of Cornerways, Lamb's Lane	Lamb's Lane
16.	Land west of Freshfields, Lamb's Lane	Lamb's Lane
17.	Land to the south-east of the Village Hall, Harrow Green	Lamb's Lane
18.	Land to west of Hall Mead, The Street	The Street
19.	Land to north of Street Farm, The Street	The Street
20.	Land to north of The Street (adjoining Land to north of Street Farm)	The Street
21.	Land between Swanfield and Fox Cottage, The Street	The Street
22.	Land to north of The Street (adjoining Oakdene)	The Street
23.	Land west of The Croft, Donkey Lane	The Street
24.	Land north of The Croft, Donkey Lane	The Street
	<i>[See attached plans to identify site locations]</i>	

2.2 There are 24 potential development sites listed above but there could be at least half a dozen more if one included “knock-downs”, which could provide access to rear gardens and back-land areas. The reason why there are so many potential development sites is the configuration of the village, with two linear settlements in the form of Bury Road and The Street, supported by the main nuclear settlement in the form of Lamb's Lane, which has a significant development opportunities on its southern and western boundaries.

2.3 If the 24 potential development sites (listed above) came forward during the Plan period, the village would be accommodating some 120 additional dwellings with say another 10-20 dwellings within the “clusters”. Clearly, this level of development is unrealistic, but it does suggest that much more development is likely to come forward than many villagers anticipate. If say half the potential sites come forward, Lawshall would anticipate a further 60 dwellings from group developments and another 10 dwellings from infilling within the “clusters”.

[NB: The Babergh and Mid Suffolk Joint Annual Monitoring Report 2015-2016 (June 2016) indicates that some 70 CS11 Planning Applications were considered in 2015-16, of which 61 were approved and 9 refused. If in Lawshall, the group development sites had a similar rate of approval, some 20 sites would come forward, delivering 100 dwellings].

<http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/AMR/FINALAMR-201516.pdf>

2.4 Lawshall is a Hinterland Village in the Babergh Core Strategy & Policies 2011-2031. This allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern. The growth will be integrated with the existing village to ensure that it is sustainable and otherwise acceptable in planning terms.

2.5 Larger villages are known as Core Villages and are expected to accommodate higher levels of growth. The Core Strategy states that *“the amount of new development and locations for growth in each of these settlements will be considered in detail with local communities at the site allocations stage and will depend on a thorough analysis of local needs, opportunities, environmental, physical and social infrastructure constraints”*. *“It is clear that the Core Villages identified are very varied and their needs and factors which influence what is an **“appropriate level of development”** will vary from village to village. This is especially the case where villages are situated within environmentally and visually sensitive landscapes... (Paragraph 2.8.5.3)”*

2.6 In the sites listed above, I have not distinguished a “good site” from a “poor site”, particularly as the Lawshall Neighbourhood Plan has “criteria-based policies” and does not have “site specific allocations”.

2.7 However, it is clear that development in some parts of the village would seriously impact on the special character and fabric of our 3 key settlements. At the same time our important environmental and landscape assets would be eroded. In my view, additional measures are needed to safeguard the following 8 environmentally sensitive sites from development:

Site 3 - Land north of Our Lady Immaculate & St. Joseph RC Church, Bury Road

Site 4 - Land east of Our Lady Immaculate & St. Joseph RC Church, Bury Road

Site 9 - Land at the rear of The Old Rectory, Bury Road

Site 10 - Land within The Old Rectory, Bury Road

Site 20 - Land to north of The Street (adjoining Land to north of Street Farm) - Also referred to as the Frithy Wood Site.

Site 22 - Land to north of The Street (adjoining Oakdene)

Site 23 - Land west of The Croft, Donkey Lane

Site 24 - Land north of The Croft, Donkey Lane

3. Conclusion

3.1 The case is made that the Lawshall Neighbourhood Plan has the potential to deliver a larger amount of housing than some Core Villages (such as Lavenham) and certainly more than many other Hinterland Villages. Some growth is good for the vitality of the village and will also hopefully deliver more "affordable housing" that youngsters living in Lawshall will benefit from.

3.2 The downside is that the local community will have no real control over the level of development coming forward and the location of growth, in particular those sites in proximity to Lawshall's environmentally and visually sensitive landscapes. No analyses will be undertaken of preferred development sites in terms of "local needs, opportunities, environmental, physical and social infrastructure constraints". Each site will be considered on its own merits in the context of the "presumption in favour of sustainable development", which means that even sites with major constraints may come forward if commensurate mitigation measures can be delivered.

Need for stronger environmental safeguards

3.3 In this respect the case is made that it is essential that the Plan is modified to safeguard the character and fabric of the village, in particular its fragile environmentally and visually sensitive landscapes; such as Frithy Wood SSSI and its network of ancient hedgerows and habitat corridors; and the parkland of Coldham Hall.

3.4 Despite all the hard work of the Neighbourhood Plan Team, the current environmental and landscape policy framework is simply not strong enough.

Need to properly establish what is the “appropriate level of development”?

3.5 The Plan needs to make clear what level of development can be anticipated within the Parish in the period up to 2036.

3.6 The Plan establishes that "*a minimum of 20 new homes could be accommodated in the village without having a detrimental impact on the characteristics of Lawshall.*" The Plan needs to properly explain how this figure has been derived?

3.7 Far more meaningful is for the Plan to explain "*the maximum number of new homes that can be accommodated in the village without having a detrimental impact on the characteristics of Lawshall.*" Given the genuine concerns that have been expressed on environmental constraints and impacts of new development, it is requested that this issue is properly addressed.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

Given the amount of potential housing development that the Plan can deliver it is important that it should;

(a) properly establish what is the “appropriate level of development” for Lawshall?

(b) provide stronger environmental safeguards.

[Reference should be made to questions and issues raised in the section above].

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

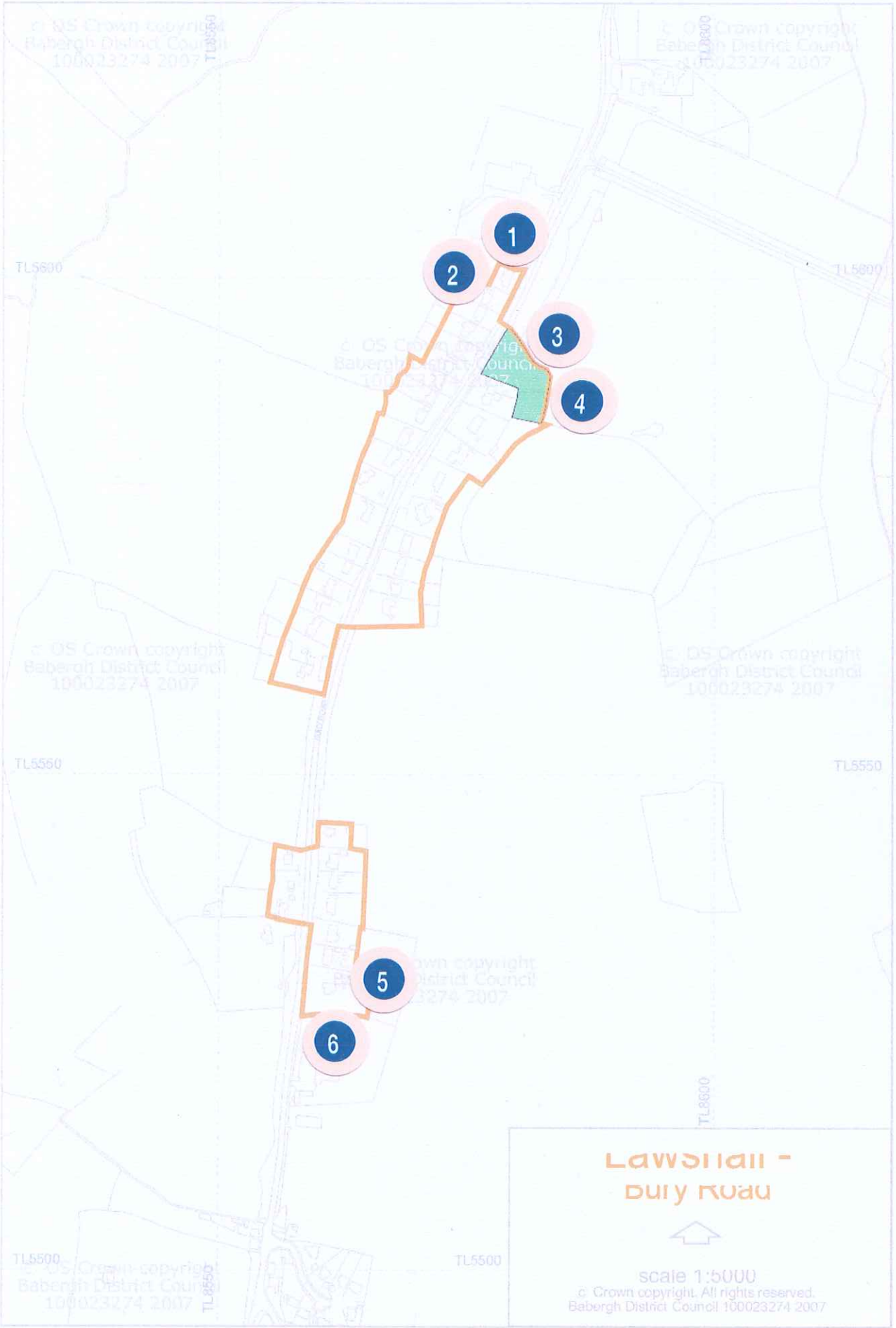
it will enable me to explain important local issues that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

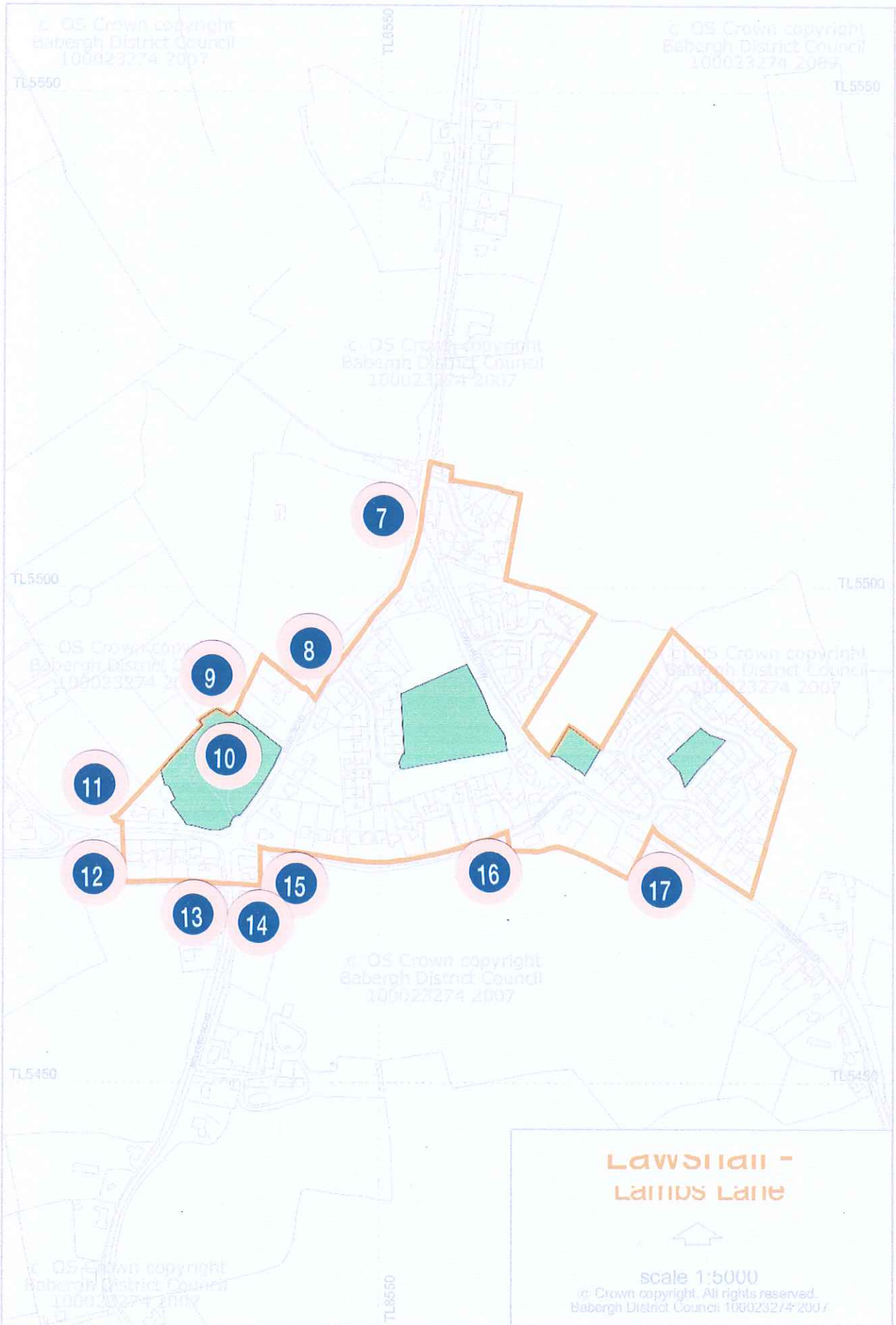
Signature: Richard Livall	Date: 30 March 2017
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**Lawshall -
Dury Road**



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Babergh District Council 100023274 2007





2. SEQUENTIAL APPROACH - SUBMISSION

For Office use only: **LWS-7 (2)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	CS11 Assessment Checklist and the Sequential Approach to Development	Policy No.	LAW3
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

“25. This sequential approach [for main town centre uses] should not be applied to applications for small scale rural offices or other small scale rural development.”

100.Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk.....

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

NB: Neither of the above properly relate to Babergh District Council's 'Sequential Approach to Development'. NPPF's 'presumption in favour of sustainable development' is far more pertinent.

Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014

“Policy CS11: Strategy for Development for Core and Hinterland Villages

Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority (or other decision maker) where relevant and appropriate to the scale and location of the proposal:

- i) the landscape, environmental and heritage characteristics of the village;*
- ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- iii) site location and sequential approach to site selection;**
- iv) locally identified need - housing and employment, and specific local needs such as affordable housing;*
- v) locally identified community needs; and*
- vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.*

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*
- iv) supports local services and/or creates or expands employment opportunities; and*
- v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria list above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

<http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/CoreStrategy/CS-Final/Core-Strategy.pdf>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW3 - Housing Development outside the Built-Up Area Boundary

“.....The scale and nature of all schemes must ensure an appropriate level of services, facilities and infrastructure, including primary school capacity, are available or can be provided to serve the proposed development.

All proposals should be accompanied by:

- a completed CS11 assessment checklist, which takes into account any cumulative impact taken with other existing commitments in the village; and**
- a Landscape Visual Impact Assessment;*

2. Babergh District Council's "Rural Development and Core Strategy Policy CS11 SPD" (August 2014)

2.1 The document provides guidance on the interpretation and application of Policy CS11 of the Core Strategy. It outlines that a judgement will need to be made on the size and scale of development based on the size and character of the village, the services and facilities available and the capacity to accommodate further development. The SPD was adopted on 8th August 2014 and has the status of a material consideration when planning applications are determined.

2.2 Paragraph 9 of the SPD sets out that the following matters will be considered under Policy CS11:

- Site location and relationship to settlement
- **Sequential approach to site selection**
- Scale of proposal in relation to existing settlement
- Cumulative impact taken with existing commitments or other proposals
- Local needs
- Availability of services and facilities, their ability to expand and the contribution which development would make to their long-term viability
- Social and economic benefits of development
- Constraints and impacts

Appendix 4 of the SPD comprises the Assessment Checklist.

Source: http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/SPDs/CS11_SPD_Adoption_Version.pdf

3. What is the "sequential approach to site selection"?

3.1 A definition is provided below from the SPD:

"In considering the suitability of sites for development under CS11 the Council will have regard to the sequential approach, plus any other relevant material considerations. In the context of CS11 this means:

- *In the first instance considering whether there are other available, suitable and deliverable sites within the built-up area of the village*
- *If no suitable sites are available within the built-up area then the next preferred location is sites which adjoin the built-up area of the village*
- *Sites that do not adjoin the existing built-up area of the village will only be considered if there is special justification e.g. it is meeting a local need which cannot be met elsewhere or is easily accessible from the parent village*
- *Preference will also be given to brownfield sites where these are well located and meet sustainability criteria"*

Source: Rural Development and Core Strategy Policy CS11 SPD (August 2014) [p.5]

http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/SPDs/CS11_SPD_Adoption_Version.pdf

4. How does the "sequential approach to site selection" operate in practice?

4.1 Babergh District Council have been unable to provide any information to answer this question other than provide reference to the above SPD. This leaves one to conclude that the whole process at the present time lacks transparency.

4.2 There is no evidence that analyses will be undertaken of preferred development sites in the village in terms of "local needs, opportunities, environmental, physical and social infrastructure constraints". Presumably each site will be considered on its own merits in the context of the "presumption in favour of sustainable development".

[There are important questions relating to how the CS11 assessment checklist and "sequential approach to site selection" operates in practice:

- *Is it largely based on a "first come / first served / self-certification type approach" with the planning applicant completing the CS11 assessment checklist and demonstrating there is no cumulative impact with other existing*

commitments in the village?

- *Will Babergh DC at the outset be undertaking a comprehensive analysis of all potential development sites within the settlement to enable a robust "sequential approach to site selection"?*
- *Do the best sites come forward for residential development or does any site that meets Policy CS11 assessment criteria come forward?*
- *How do Babergh DC make comparisons with sites that are not currently the subject of a planning proposal?*
- *How do Babergh DC programme development to avoid too many sites coming forward at the same time / or to prevent sites coming forward in very close proximity?]*

5. What are the implications for the Lawshall Neighbourhood Plan and the community?

5.1 The implications for the Lawshall NP and the community is that the new Development Plan will have little or no control over where new residential development will come forward within the village, other than a determination that the development will be within or adjoining the Built-Up Area Boundaries of the main settlements. Many within the community, including myself, are supportive of the Plan on the basis that the best sites will come forward for development. However, the reality is that any site within or adjoining the BUAB can come forward, this in part reflecting the NPPF's presumption in favour of sustainable development.

5.2 Paragraph 22 of the SPD states that "The Council will give weight to the findings of Parish / Community and Neighbourhood Plans where they have been prepared in accordance with the Core Strategy and have been subject to a robust process including community engagement."

5.3 Policy CS2 of the Core Strategy states that the scale and location of development should have regard to the views of local communities as expressed in parish/community/neighbourhood plans.

5.4 However, there is no indication from Babergh DC of the weight that they will give to criteria-based policies laid down in the Lawshall NP. A key weakness of the Neighbourhood Plan is that it gives no real lead on where development should take place in the village. At the same time, the number of potential development sites in the village is far in excess of what might be reasonably anticipated. [See 1. Housing Quantity Submission]

6. Conclusion

6.1 In conclusion, the case is made that there appears to be over reliance on the "sequential approach to site selection" and the weightings of the CS11 Assessment Checklist. The Neighbourhood Plan should properly indicate how the "sequential approach" and CS11 Checklist will operate in practice and firmly establish how it will maintain environmental safeguards to ensure that the character and fabric of the village will be protected.

6.2 Will the District Council's "Rural Development and Core Strategy Policy CS11 SPD" carry more weight than the "made" Lawshall Neighbourhood Development Plan?

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

The relationship of the Neighbourhood Plan with Babergh District Council's "Rural Development and Core Strategy Policy CS11 SPD (August 2014)" should be properly explained along with:

(a) how the "sequential approach to site selection" and weighting of the CS11

assessment checklist operates in practice?

(b) how the preferred locations for growth in the village will be determined?

(c) how development will be programmed to avoid too many sites coming forward at the same time?

(d) how the cumulative impact of development will be addressed to prevent sites coming forward in very close proximity?

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

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I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important issue that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

3. RESIDENTIAL GARDENS - SUBMISSION

For Office use only: **LWS-7 (3)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Residential Gardens	Policy No.	LAW12 & LAW13(c)
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012):

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. (para 53)"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Saved Policy CN03 of the Adopted Local Plan states:

"Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted."

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Saved Policy CR10 of the Adopted Local Plan states

"Proposals for change of use from agricultural land to domestic gardens will not be permitted where:

- the scale of the proposal would have an adverse impact on the landscape characteristics and biodiversity of the locality;*
- it would result in the loss of Best and Most Versatile Agricultural Land;*
- the site intrudes into the open countryside; and*
- it threatens the viability of farm holdings due to the breaking up of agricultural land.*

Where permission is granted, the proposed landscaping and boundary treatment must achieve a rural rather than suburban character."

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW12 – Local Heritage Assets

"The retention and protection of local heritage assets, including buildings, structures, features and gardens of local interest will be sought. Proposals for any works that would lead to harm or substantial harm to a non-designated heritage asset should be supported by detailed analysis of the asset that demonstrates the wider public benefit of the proposal.

POLICY LAW13 – Design Principles

"Proposals for new development must reflect the local characteristics and circumstances in Lawshall and create and contribute to a high quality, safe and sustainable environment. Proposals should, as appropriate:

c. not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of that part of the village;"

2. General Appraisal

2.1 The built-up areas of Lawshall demonstrate a close relationship between the built and natural environment, in terms of local distinctiveness and identity. This is based on factors such as building size, plot size, distance from the road and boundary treatments, existence of trees and other vegetation or habitats, along with mature landscape planting.

2.2 The NPPF establishes a presumption in favour of sustainable development unless the benefits of the development proposal are outweighed by dis-benefits such as adverse impact on character, amenity and biodiversity.

2.3 The following factors are considered to be of importance when considering infill and back-land development of residential garden land (including complete and partial demolitions):

- (a) It is important to prevent the inappropriate development of residential garden land which would result in the significant harm to, or loss of, such character, amenity and biodiversity.
- (b) The design of the development should sit appropriately within its surroundings and should not have a negative impact on the amenity of existing residents in the neighbouring properties
- (c) The layout of the development should respect and reflect the character of the area and its local distinctiveness and identity
- (d) Tandem development is unlikely to be acceptable given the detrimental impact on the character and quality of the local environment.
- (e) An expanded development area incorporating residential garden land (possibly including means of access) and adjoining agricultural land would be unlikely to be acceptable and may also represent a contradiction of Saved Policy CR10 of the Adopted Babergh Local Plan.

NB: Tandem development means the introduction of a new dwelling or dwellings behind an existing dwelling or dwellings that front a road (generally with an access to serve the new development situated between the frontage dwellings). This may include the development of agricultural land at the rear of existing dwellings.

3. Conclusion

3.1 The NPPF provides a clear *"case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."* Given

the number of potential development sites that could come forward from the Lawshall Neighbourhood Plan (see 1. Housing Quantity Submission) and the potential for back-land development in the village as the result of “knock-downs” and “erase and replace” proposals, Policies LAW12 and LAW13(c) appear inadequate to address this important issue.

3.2 A suitable new policy covering the development of residential garden land should be incorporated within the Neighbourhood Plan which seeks to encourage sustainable development whilst maintaining local character and distinctiveness, high standards of residential amenity and biodiversity.

3.3 The policy below is largely taken from Policy DP8 of the Tandridge District Council’s Local Plan Part 2 - Detailed Policies.

http://consult.tandridge.gov.uk/portal/planning_policy/detailed_policies/tandridge_local_plan_part_2_-_detailed_policies?pointId=1380796844588#section-1380796844588

It can be adapted, as appropriate, to the “house-style” of the Lawshall Neighbourhood Plan.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

A new policy should be incorporated within the Plan covering the infilling and back-land development of residential gardens (and adjoining agricultural land)

New Policy: Infilling and Back-land Development

Development proposals involving infilling, back-land or the complete or partial redevelopment of residential garden land (and adjoining agricultural land) will be permitted if the scheme:

- 1. Does not adversely impact on the visually important landscape characteristics of the area or the street scene;**
- 2. Is appropriate to the surrounding area in terms of land use, size and scale;**
- 3. Maintains, or where possible, enhances the character and appearance of the area, reflecting the variety of local dwelling types;**
- 4. Does not involve the inappropriate sub-division of existing curtilages to a size below that prevailing in the area or the street scene, taking account of the need to retain and enhance mature landscapes;**
- 5. Presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area, including frontage width, building orientation, visual separation between buildings and distance from the road;**
- 6. Does not result in the loss of biodiversity or an essential habitat corridor or network; and**
- 7. Does not result in the ‘tandem’ development of residential garden land and/or adjoining agricultural land.**

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...
<i>Please be as brief and concise as possible</i>
it will enable me to explain an important issue that may not be adequately covered by Written Representations.
<i>(Continue on separate sheet if necessary)</i>

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall	Date: 30 March 2017
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4. FRITHY WOOD – SUBMISSION

For Office use only: **LWS-7 (4)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Need for more protection for Frithy Wood SSSI and its connecting framework of ancient hedgerows and habitat corridors	Policy No.	LAW7
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

".....planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of, the development in that location clearly outweigh the loss."

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Unsaved Policy EN01 of the Adopted Local Plan states:

"Development will not be permitted which, directly or indirectly, would have a material adverse impact on existing or proposed Special Protection Areas, Special Areas of Conservation, Ramsar Sites, National Nature Reserves and Sites of Special Scientific Interest.."

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW7 - Protecting Existing Natural Environmental Assets

"Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Any development proposals which impacts upon them should contribute to, rather than detract from, their biodiversity value."

The background text states:

Lawshall is quite unusual in having retained an above-average number of smaller farms with smaller fields. The hedgerows around these fields were surveyed in 2012 as part of the Suffolk Hedgerow Survey. Many were already known to date from before 1611 following research by Oliver Rackham ("Trees and Woodland in the British Landscape, 1990"). His map has been useful to strengthen data collected in 2012. The ancient hedgerows have been identified as a Natural

Environment Asset and worth protecting. (see paras. 10.5 & 10.7)

2. Background:

2.1 Frithy Wood is an important Site of Special Scientific Interest (SSSI) and is identified on the Proposal Map as “Important Woodland” and is cross-referenced with Policies LAW7, LAW8 and LAW13. The Plan describes how Lawshall has seven main Natural Environment Assets, the most important of which is Frithy Wood. The Ancient Hedgerows of the parish also scored very highly in this community assessment [see Paras 10.4 & 10.5].

2.2 In Para 10.6 the Plan states:

“Of the seven, the jewel in the crown has to be Frithy Wood, our 37-acre designated SSSI ancient woodland. This woodland sits in a central position in the village and is open to the public in parts. It is surrounded by our designated Special Landscape Area and was rated the most important Natural Environment Asset by participants at the 2nd consultation. The southernmost woodland bank runs alongside The Street and represents the 1611 boundary of the wood until it was partially cleared in the 1960s. Inappropriate development in its vicinity could have detrimental impact on this important wildlife site.”

2.3 On their website the [Green Light Trust](#) provides some excellent details of the history of Frithy Wood:

“Frithy Wood has been in use for many centuries. Early documentation refers to it as the ‘great’ wood and described at this time as of ‘great antiquity’. The current thinking of ‘ancient woodland’ is that if a wood was in existence by 1600 that it was probably a remnant of a medieval working wood. The wood was originally estimated at 42 acres, today it is 37 acres. Research also confirmed that a survey of the hedges in the village states that Lawshall is a typical ‘Ancient Countryside Parish’ and about five-sixths of the hedges surviving in 1986 are older than 1612. In 1987 Frithy Wood was registered as a SSSI woodland meaning a Site of Special Scientific Interest notified under Section 28 of the Wildlife and Countryside Act 1981.*

The Manor of Lawshall, and the Frithy Wood site was held by the Abbot of Ramsey from 972 until 4th March 1539/40. At the time of Domesday in 1086 the Abbot of Ramsey owned 8 hides or carucates of land in Lawshall c. 960 acres. There are all the usual Domesday references but the most significant is note of 30 pigs which could imply that there was woodland to support 30 pigs.

Through the years the Manor of Lawshall and Frithy Wood had many owners. After the Abbot of Ramsey it was ‘granted’ to Richard Williams and then to John Rither in 1546 and onto Sir William Drury in 1547. Until recently Frithy Wood has been part of the land owned by Lawshall Hall and now is part owned by Green Light Trust.”

More details about Frithy Wood can be viewed on the Green Light Trust website:
<http://www.greenlighttrust.org/locations/frithy-wood/history-of-frithy-wood>

* The 1884 Ordnance Survey Map indicates that area covered by Frithy Wood extended as far south as The Street.
<http://www.francisfrith.com/frithy-wood/maps>

The types of tree and shrub species prevalent in Frithy Wood are detailed in Natural England’s citation of the SSSI:
http://www.sssi.naturalengland.org.uk/citation/citation_photo/1001098.pdf

Detailed information is available in a new book on Frithy Wood prepared by Grenville Clarke which is titled “Frithy Wood: Past, Present, Future - Restoring the Repertoire”.

2.4 The Neighbourhood Plan itself states:

In Frithy Wood several rare species have been recorded including the White-letter Hairstreak, a red list butterfly and the Barbastelle bat. Nesting bird surveys have been regularly carried out in both Frithy Wood and Golden Wood to build a clear picture of the health and value of the woods to common bird species. 14 red list birds have been recorded in and around Golden Wood and all those depicted in The Golden Wood Painting have already been recorded bar one, despite the wood having been agricultural land until 1994. (Para 10.13)

..... interesting deep wide ditches surrounding and traversing the oldest part of Frithy Wood. Following a recent archaeological landscape survey led by Angus Wainwright (2014 – 2016) these were identified as having been dug to keep deer out and originally had hedges or fences along the top of the inside bank. As mentioned under Natural Environment Assets the southernmost ditch, still very distinct, runs alongside The Street. (Para 11.11)

Frithy Wood: (Frithy is Anglo Saxon meaning wood) Is a 32-acre site of primitive primary woodland representing a major natural habitat for the Parish. Major tree species include Ash, Oak, Elm, Hazel, Poplar and various shrubs. It is still coppiced and managed, a practice used in this wood for centuries. (Appendix One)

*In Frithy Wood several rare species have been recently recorded including the White-letter Hairstreak (*Satyrrium w-album*) (See Table 2), a red list butterfly, Herb Paris (*Paris quadrifolia*) and the Barbastelle bat (*Barbastella barbastellus*). (Appendix Two)*

Nesting bird surveys have been carried out in both Frithy Wood and Golden Wood over a number of years to build a clear picture of the health and value of the woods for common bird species. The earliest surveys date back to 1981 and the information provides a good indication of the biodiversity within the woods. The Frithy Wood data have been collated in a book due to be published in 2017. (Ref: "Frithy Wood: Past, Present, Future". by Grenville Clarke).

3. Residential Development Pressures:

3.1 Given the recognised importance of the SSSI and the array of supporting information, most of the local community would probably anticipate that the last place that might be seriously considered for new housing (in accordance with Policy LAW3) would be in the vicinity of Frithy Wood and its network of ancient hedgerows and habitat corridors.

3.2 However, it is understood that a preliminary submission/suggestion was made to the Neighbourhood Plan Team by a local landowner for a housing development north of The Street and to the south of Frithy Wood. In early December 2016, site assessments were being undertaken by a 5-person planning team in the above area accompanied by a local landowner.

3.3 A key constraint would be access but there is evidence that the landscape framework may have recently been changed or deliberately degraded in a section of ancient hedgerow in the near vicinity of The Street.

4. Conclusion

4.1 With the strong possibility of residential development proposals that could threaten this environmentally sensitive area, there is clear justification to relook at the ability of Policy LAW7 to deliver sustainable development.

4.2 After close scrutiny, the case is made that Policy LAW7 is so loosely constructed that it offers little in the way of protection to our most important environmental assets. It needs to be reworded to emphasise that development which will result in the loss or threat to important woodland and

ancient hedgerows, will ***only be permitted in exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives.***

4.3 At the same time the policy should acknowledge that biodiversity value is not the only factor that should be taken into account, but regard should be given to the contribution of the ancient woodland and hedgerows to the amenity, landscape character and historic character of the surrounding area.

4.4 In some instances, adverse impacts may be unavoidable and in this respect, it would be important for the planning applicant to demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.

4.5 Part of the suggested policy change below has been taken from the Cheshire East Local Plan Strategy Submission Document and the section covering Trees, Hedgerows and Woodland.

Refer: <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/sub?pointId=1390240288135>

4.6 It is possible for the Lawshall Neighbourhood Plan to take on board the general tenor of this policy wording which accords with National Planning Policy Framework (para 118).

4.7 An integral part of the Frithy Wood SSSI is the grazing meadow that forms an inner core to the "horseshoe shaped" woodland area. However not all of the meadow forms part of the SSSI, with the area to the south (and adjoining) the ancient woodland enjoying no protection or recognition. The boundary between the two parts appears to be somewhat arbitrarily drawn and it is recommended that a survey might be undertaken by Suffolk Wildlife Trust to determine whether the southern portion of the meadow currently meets the requirements for designation as a County Wildlife Site.

NB: Leonie Washington of the Suffolk Wildlife Trust has indicated that the Trust "would be happy to arrange for a survey of the meadow and old brick pond with the view to assessing them against CWS criteria. However, [SWT] would need landowner consent. Ideally grassland and pond surveys are best done in April – June." In this respect, perhaps it would be appropriate for the Neighbourhood Plan Team or Parish Council to liaise with the landowner in order to facilitate access for a survey.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

POLICY LAW7 - Protecting Existing Natural Environmental Assets

“Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Any development proposals which impacts upon them should contribute to, rather than detract from, their biodiversity value.”

Should be replaced as follows:

POLICY LAW7 - Protecting Existing Natural Environmental Assets

“Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Development proposals which are likely to result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland or new community woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will only be permitted in

exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.”

Additional recommendation:

That the grazing meadow to the south (and adjoining) the Frithy Wood SSSI is surveyed by the Suffolk Wildlife Trust to determine whether the area currently meets the requirements for designation as a County Wildlife Site.

NB: At the same time, it may be possible to assess the old brick pond east of the All Saints Primary School Playing Field, and the large meadow adjoining, against CWS criteria.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important issue that may not be adequately covered by Written Representations.

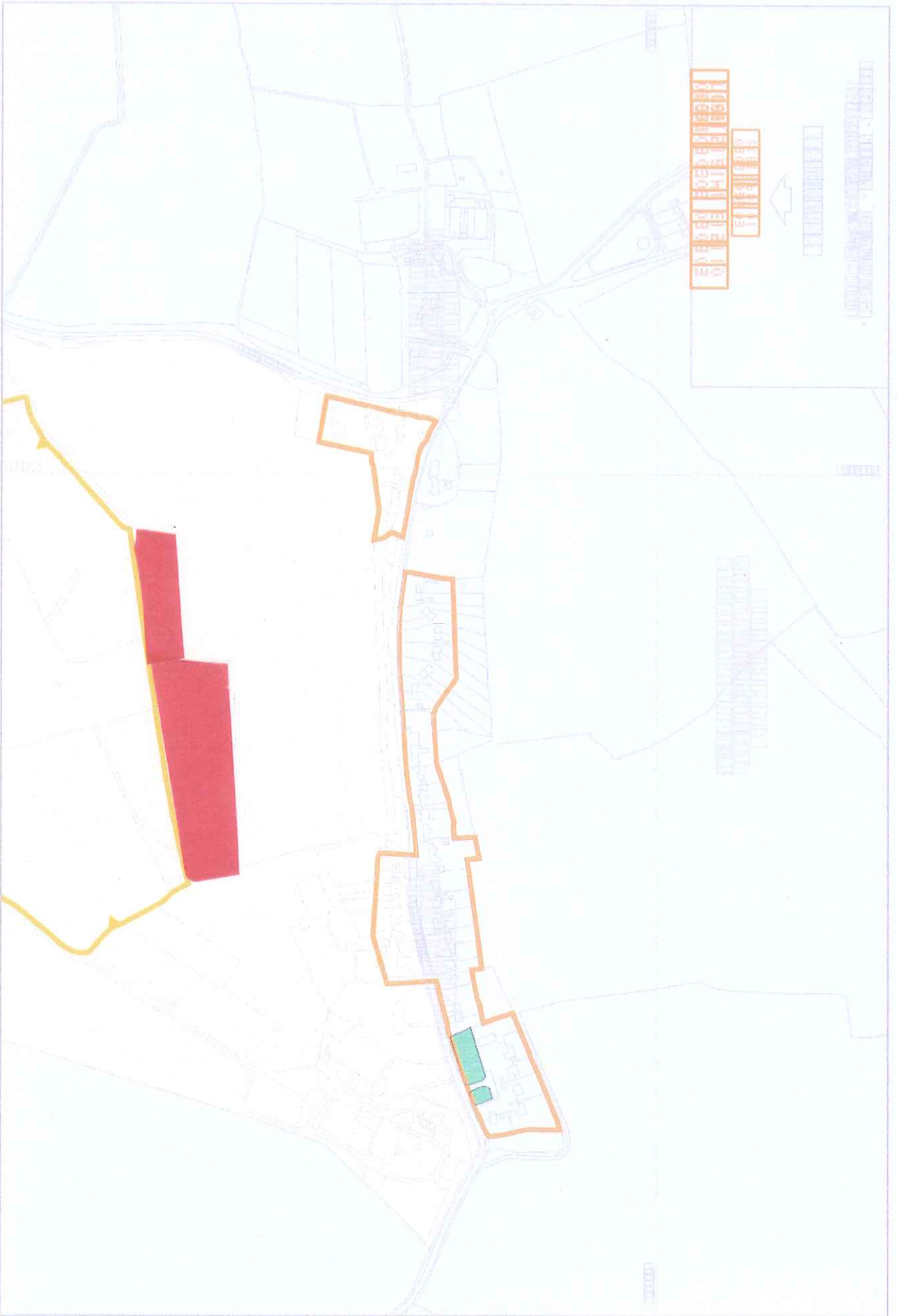
(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017



5. ANCIENT HEDGEROWS - SUBMISSION

For Office use only: **LWS-7 (5)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW7
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

".....planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of, the development in that location clearly outweigh the loss."

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Saved Policy CR08 of the Adopted Local Plan states:

"CR08 Where development proposals affect hedgerows of amenity or landscape significance, planning permission will only be granted where:

- *hedgerows are retained in full, or*
- *suitable mitigation such as replacement planting and management programmes are proposed."*

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW7 - Protecting Existing Natural Environmental Assets

"Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Any development proposals which impacts upon them should contribute to, rather than detract from, their biodiversity value."

The background text states:

Lawshall is quite unusual in having retained an above-average number of smaller farms with smaller fields. The hedgerows around these fields were surveyed in 2012 as part of the Suffolk Hedgerow Survey. Many were already known to date from before 1611 following research by Oliver Rackham ("Trees and Woodland in the British Landscape, 1990"). His map has been useful

to strengthen data collected in 2012. The ancient hedgerows have been identified as a Natural Environment Asset and worth protecting. (see paras. 10.5 & 10.7)

NB: Reference is made to ancient hedgerows in the response to CS11 Criteria (i) the landscape, environment and heritage characteristics of the village. However, no reference is made to ancient hedgerows in the response to CS11 Criteria (ii) the locational context of the village and the proposed development. This should be amended as an ancient hedgerow is of similar significance in biodiversity terms to a County Wildlife Site. (see para 8.4 (ii)).

Reference is also made to ancient hedgerows in Policies LAW8 and LAW13.

2. Suffolk Hedgerow Survey

2.1 The Suffolk Hedgerow Survey was triggered by an initial project started in Suffolk Coastal District Council in 1998.

<http://www.eastsuffolk.gov.uk/assets/Environment/Green-Issues/SuffolkHedgerowSurvey1998-2012web.pdf>

2.2 The survey was required to record the location of every landscape hedgerow with every different species of trees and shrubs, with some special data regarding the trees, the structure of the hedgerow and a description of the land usage on both sides. The survey was confined to being a quantitative record with no comment on quality of the hedgerow, management, cutting regimes or value to meet farming requirements, etc.

<http://www.eastsuffolk.gov.uk/environment/green-issues/east-suffolk-greenprint-forum/suffolk-hedgerow-survey/>

2.3 As part of the project, mapping was undertaken for the Lawshall Hedgerow Survey which identified that a high proportion of hedgerows in the parish are species rich with 8 or more species.

<http://lawshall.onesuffolk.net/assets/Neighbourhood-Plan-Documents/SubmissionHedgerow-Survey.pdf>

The following details are provided for Lawshall in the Hedgerow Survey Files:

6 hedgerows - 4 species or less (3.2%)

36 hedgerows - 5, 6 or 7 species (19.1%)

146 hedgerows - 8 or more species (77.7%)

188 Total Hedgerows

Date Audited - October 2011

<http://www.eastsuffolk.gov.uk/assets/Environment/Green-Issues/SuffolkHedgerowSurvey1998-2012web.pdf> (p57 & p76))

3. Changes to Landscape Framework

3.1 It is unfortunate that changes to the landscape framework (involving the removal of trees and/or vegetation) have taken place in 2 separate locations (see attached map) during the course of the preparation of the Plan:

(1) to the north of The Street (opposite Street Farm)

(2) to the south of The Street (Fox Cottage)

3.2 Removing a few trees or clearing a small section of hedgerow (which might include filling in a stretch of ditch) is unlikely to require planning permission or require consent under the Hedgerow Regulations 1997. However, such work when undertaken with an excavator can cause extensive damage to the landscape framework.

3.3 In the first case, the changes to the landscape framework have been undertaken by a Parish Councillor and leading member of the Neighbourhood Plan Team. On the one hand, such work might be identified as general “tidying up” which a landowner has every right to undertake. On the other hand, it might be viewed as a deliberate action to degrade the landscape framework to create a development opportunity using knowledge gained during the preliminary stages of the

plan preparation process. Whatever view is taken the issue has created deep divisions and mistrust within a part of the community.

3.4 The above cases highlight that our historic fabric of ancient hedgerows and associated landscape framework still face unforeseen threats and changes. They also raise the issue that an ancient hedgerow may only form part of a “habitat corridor” and that the other part of the landscape framework including the ditch and adjoining trees and vegetation are not protected under the Hedgerow Regulations 1997. Once the adjoining trees and vegetation are removed the “protected” ancient hedgerow can be perceived as being extremely fragile and vulnerable and the case for development may be greatly enhanced.

4. Conclusion [*Largely repeated from 4. Frithy Wood Submission*]

4.1 Whilst no planning policy is likely to prevent a determined landowner from making insensitive changes to the landscape framework, the above cases do highlight the need for Policy LAW7 to be strengthened to deliver sustainable development.

4.2 After close scrutiny, the case is made that Policy LAW7 is so loosely constructed that it offers little in the way of protection to our most important environmental assets, in particular our ancient hedgerows. It needs to be reworded to emphasise that development which will result in the loss or threat to important woodland and ancient hedgerows, will ***only be permitted in exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives.***

4.3 At the same time the policy should acknowledge that biodiversity value is not the only factor that should be taken into account, but regard should be given to the contribution of the ancient woodland and hedgerows to the amenity, landscape character and historic character of the surrounding area.

4.4 In some instances, adverse impacts may be unavoidable and in this respect, it would be important for the planning applicant to demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.

4.5 Part of the suggested policy change below has been taken from the Cheshire East Local Plan Strategy Submission Document and the section covering Trees, Hedgerows and Woodland. Refer: <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/sub?pointId=1390240288135>

4.6 It is possible for the Lawshall Neighbourhood Plan to take on board the general tenor of this policy wording which accords with National Planning Policy Framework (para 118).

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

POLICY LAW7 - Protecting Existing Natural Environmental Assets

“Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Any development proposals which impacts upon them should contribute to, rather than detract from, their biodiversity value.”

Should be replaced as follows:

“Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Development proposals which are likely to result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland or new community woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will only be permitted in exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.”

[This Policy amendment also forms part of 4. Frithy Wood Submission].

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

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I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important local issue that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017



Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW8
---------------	--	------------	------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

" 118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Saved Policy CR08 of the Adopted Local Plan states:

"CR08 Where development proposals affect hedgerows of amenity or landscape significance, planning permission will only be granted where:

- hedgerows are retained in full, or
- suitable mitigation such as replacement planting and management programmes are proposed."

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW8 – Protecting and Maintaining Features of Biodiversity Value

"All development proposals will be expected to retain existing features of biodiversity value

(including ponds, trees, hedgerows) and, where practical to do so, provide a net gain in biodiversity through, for example:

- *The creation of new natural habitats;*
- *The planting of additional trees and hedgerows (reflecting the character of Lawshall's traditional hedgerows); and*
- *Restoring and repairing fragmented biodiversity networks.*

Development proposals which would destroy, sever or cause significant adverse effects on a wildlife link or corridor will only be permitted if it can be clearly demonstrated that there are reasons for the development which outweigh the conservation value of the site.

Where loss or damage is unavoidable, the benefits of the development proposals must be demonstrated clearly to outweigh any impacts and the development shall provide for appropriate replacement planting on site together with a method statement for the ongoing care and maintenance of that planting.

Where a new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity."

2. Features of Biodiversity Value

2.1 Reference is made to Planning practice guidance: Natural environment (January 2016)
<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>

"Local and neighbourhood plans and planning decisions have the potential to affect biodiversity or geodiversity outside as well as inside designated areas of importance for biodiversity or geodiversity. (Paragraph: 008)"

2.2 Local ecological networks include:

"main landscape features which, due to their linear or continuous nature, are important for the migration, dispersal and genetic exchanges of plants and animals, including any potential for new habitat corridors to link any isolated sites that hold nature conservation value, and therefore improve species dispersal; (Paragraph: 009)"

3. Conclusion

3.1 The case is made that the Neighbourhood Plan should make a stronger commitment to protecting Lawshall's features of biodiversity value, in particular its habitat corridors which enable the migration, dispersal and genetic exchanges of plants and animals.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

POLICY LAW8 – Protecting and Maintaining Features of Biodiversity Value

"All development proposals will be expected to retain existing features of biodiversity value (including ponds, trees, hedgerows) and, where practical to do so, provide a net gain in

biodiversity through, for example:

- The creation of new natural habitats;
- The planting of additional trees and hedgerows (reflecting the character of Lawshall's traditional hedgerows); and
- Restoring and repairing fragmented biodiversity networks.

Where loss or damage is unavoidable, the benefits of the development proposals must be demonstrated clearly to outweigh any impacts and the development shall provide for appropriate replacement planting on site together with a method statement for the ongoing care and maintenance of that planting.

Where a new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.”

Should be replaced as follows:

POLICY LAW8 – Protecting and Maintaining Features of Biodiversity Value

“All development proposals will be expected to retain existing features of biodiversity value (including ponds, **meadows**, trees, hedgerows **and habitat corridors**) and, where practical to do so, provide a net gain in biodiversity through, for example:

- The creation of new natural habitats;
- The planting of additional trees and hedgerows (reflecting the character of Lawshall's traditional hedgerows); and
- Restoring and repairing fragmented biodiversity networks.

Development proposals which would destroy, sever or cause significant adverse effects to a feature of biodiversity value will only be permitted in exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting. This may include:

- **extensive** replacement planting on site together with a method statement for the ongoing care and maintenance of that planting; **and**
- where a new access is created, or an existing access is widened through an existing hedgerow, **the replacement planting of** a new hedgerow of native species on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.”

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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Please be as brief and concise as possible

it will enable me to explain an important local issue that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

7. LOCAL WILDLIFE SITES – SUBMISSION

For Office use only: **LWS-7 (7)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Locally Important Wildlife Sites	Policy No.	LAW7
---------------	----------------------------------	------------	------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

The National Planning Policy Framework recognises the importance of having a hierarchy of designated nature conservation sites:

"Para. 113 Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Para. 117 To minimise impacts on biodiversity and geodiversity, planning policies should:

- *identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Unsaved Policy EN04 of the Adopted Local Plan states:

"All development proposals must provide for the protection and, wherever possible, the retention, of existing semi-natural features on the site, including rivers, streams, ponds, marshes, woodlands, hedgerows, trees, features of geological interest, and also including wildlife corridors and green wedges."

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW7 - Protecting Existing Natural Environmental Assets

“Important woodland and ancient hedgerows, shown on the Proposals Map, are valued highly by the community and are to be protected. Any development proposals which impacts upon them should contribute to, rather than detract from, their biodiversity value.”

The background text states:

Lawshall’s seven main Natural Environment Assets were identified either through meetings with villagers who have specific local knowledge, from brainstorming sessions at NP Team meetings, or from feedback at our consultations where they all scored highly as ‘very important’. They are listed below in order of number of votes they won:

1. Frithy Wood – Site of Special Scientific Interest ancient woodland (37 acres)
2. Golden Wood – community woodland (21 acres)
3. Ponds – home to Great Crested Newt
4. Ancient hedgerows
5. Crooked Wood – community woodland (2 acres)
6. Village greens
7. Wide verges (see para. 10.5)

2. Background Appraisal

2.1 In Lawshall we have 2 recognised wildlife sites:

Tier 1: Site of Special Scientific Interest – Frithy Wood

Tier 2: County Wildlife Site – Hanningfield Green Meadow

2.2 The case is made that the Neighbourhood Plan provides insufficient protection to our wildlife assets and that a third tier of **Locally Important Wildlife Sites** should be identified which

- Highlight those biodiversity sites that are locally important
- Give a limited degree of protection / notice in the event of development proposals coming forward
- Improve wildlife management and community interest
- Enable work and coordination with local landowners

2.3 Such sites will gain credibility and recognition if the Suffolk Wildlife Trust are involved in the selection process. It may be possible that when surveyed one or more sites may be up to or near County Wildlife Site (CWS) standard. With progressive management (as in the case of the Hanningfield Green Meadow) it may be possible for such sites to be brought up to a level which meets CWS criteria.

<http://www.suffolkbis.org.uk/sites/default/files/CWS/Public%20Web%20Docs/CWSSelectionCriteria.pdf>

2.4 I am not aware that Suffolk Wildlife Trust has publicised any third tier sites, but like most Trusts they will keep records of wildlife sites that do not currently meet CWS standards. I am aware of work that the Trust undertook with St Edmundsbury BC more than a decade ago to identify third tier sites [at that time called Local Wildlife Sites] in Bury St Edmunds and Haverhill.

2.5 Third tier sites, known as **Other Sites of Wildlife Interest** (OSWI), have been identified by the Devon Wildlife Trust; in Luton they are known as **District Wildlife Sites** (DWS), having previously been called **Other Sites of Nature Conservation Interest** (OSNCI); and in London there are **Borough Wildlife Sites** and **Sites of Local Importance**.

2.6 Sites which have potential as a “Locally Important Wildlife Site” in Lawshall include:

- some of the more significant sites which are defined as “privately managed habitat conservation” in the LNP Character Assessment January 2017;

<http://lawshall.onesuffolk.net/assets/Neighbourhood-Plan-Documents/SubmissionLawshall-Character-Assessment.pdf>

- some of the more noteworthy ponds (such as the brick-pond to the east of the All Saints Primary School Playing Field);

- woodland areas (such as Betty's Plantation) that do not currently qualify as Important Woodland;

- important habitat corridors (ancient hedgerows with a wide landscape framework including ditches/watercourses and field margins); and

- meadow areas in the vicinity of Frithy Wood SSSI.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

That a *new policy / policy addition* is included within the Plan covering the designation of suitable sites as “Locally Important Wildlife Sites”.

This can be a stand-alone policy or an additional section to Policy LAW7

If there is sufficient time, the site listings could be included with the policy. Alternatively, they could form a Supplementary Planning Document to the Neighbourhood Plan.

The Examination Inspector may be able to provide an opinion on the use of Supplementary Planning Documents to provide additional support to a “made” Neighbourhood Plan. This issue could also arise in the context of work that could be undertaken in justifying the designation of a Conservation Area.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important local issue that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall	Date: 30 March 2017
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8. SETTLEMENT GAPS - SUBMISSION

For Office use only: **LWS-7 (8)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	10.17 / 10.18	Policy No.	LAW9 / Proposals Map
---------------	---------------	------------	----------------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012):

The NPPF does not make any reference to strategic or settlement gaps but states that:

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils. (para 109)"*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Saved Policy CN03 of the Adopted Local Plan states:

"Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.

<http://www.babergh.gov.uk/planning-and-building/planning-policy/babergh-local-plan-2006/babergh-local-plan-alteration-no-2/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW9 - Settlement Gaps

"The generally open and undeveloped nature of the gaps separating the distinct settlements in the village, as identified on the Proposals Map, will be protected from development in order to preserve the visual qualities of the landscape and to prevent coalescence and retain the separate identity of the settlements. Development will only be permitted within the identified gap if:

- it would not undermine the physical and/or visual separation of the settlements; and*
- it would not compromise the integrity of the Settlement Gap, either individually or in combination with other existing or proposed development; and*
- identified significant views will be protected."*

The background text states:

“10.17 As a treasured feature of Lawshall’s distinctive character, we wish to designate them (Favourite Public Views) as Settlement Gaps and believe we have a strong mandate for this, both from our residents and for historical reasons.”

10.18 The saved policies of the 2006 Babergh Local Plan include Policy CN03 which protects important open space, visually important gaps in the street scene and recreational facilities within villages. Lawshall’s distinct character of a number of small settlements separated by open countryside has, during community engagement, been identified as a feature that residents especially wish to preserve. Accordingly, within the context of the saved Local Plan policy, a number of gaps between settlements have been identified of being of such importance that it is considered they should be preserved from all but essential development that cannot be located elsewhere.”

2. General Appraisal

2.1 “Strategic Gaps” are a long-standing planning policy principle that appeared in Structure and Local Plans up and down the country since the 1970s. In the past, they have been used to maintain the strategic settlement pattern across both Counties and Districts. At a more local level they have also been used to prevent ‘perceived’ coalescence within different parts of the same settlement. The “Settlement Gaps” identified for Lawshall largely fall within the latter category.

2.2 The Babergh Local Plan Alteration No. 2 (2006) does not specifically designate "Settlement Gaps" within its Proposals Map / Village Inset Plans but the Saved Policy CR03 states that **“Development leading to the loss of visually important gaps in the street scene within towns and villages will not be permitted.”**

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

2.2 A strong case can be made that the way that the Built-Up Area Boundaries (BUABs) are drawn for Lawshall’s three Village Inset Plans in the adopted Babergh Local Plan, have implicitly identified the Visually Important Gaps / Settlement Gaps for the village:

- Lawshall - Bury Road

<http://www.babergh.gov.uk/assets/Strategic-Planning/Maps/LawshallBuryRd-AW.pdf>

- Lawshall - Lambs Lane

<http://www.babergh.gov.uk/assets/Strategic-Planning/Maps/LawshallLambsLane-AW.pdf>

- Lawshall – Street

<http://www.babergh.gov.uk/assets/Strategic-Planning/Maps/LawshallStreet-AW.pdf>

2.3 The fact that Visually Important Gaps are not identified on the “Key to Proposals, Village & Conservation Area Maps” further supports this case.

<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/KEYREVISED.pdf>

2.4 All of the Visually Important Gaps have been recognised as Settlement Gaps on the Proposals Map of the Lawshall Neighbourhood Plan with one exception, the gap separating the two built-up areas of The Street. The case is made the Plan is not protecting the rural fabric and character of this part of Lawshall.

2.5 In the winter months Frithy Wood is clearly visible from The Street, although unfortunately not on the misty day when the Google Car undertook its survey below.

https://www.google.co.uk/maps/@52.155072,0.7281653,3a,75y,14.75h,91.89t/data=!3m6!1e1!3m4!1sd1aUodlx_74CdjHpzSbFA!2e0!7i13312!8i6656

<https://www.google.co.uk/maps/@52.1550343,0.7275175,3a,75y,357.88h,99.97t/data=!3m6!1e1!3m4!1sXkjockFyBAYMHXij4MbVQ!2e0!7i13312!8i6656>

2.6 In the past, the ancient hedgerow fronting The Street has been properly managed/coppiced providing villagers with a superb view of Frithy Wood from The Street. In this respect the case is made that views can be very much dependent on both the season, weather conditions and on current landscape management initiatives or lack thereof.

3. Conclusion

Policy LAW9:

3.1 The case is made that proper reference should be made in Policy LAW9 to “**visually important gaps in the street scene**” which forms the basis for the policy, with reference to Policy CR03 of the Adopted Local Plan. The street scene is also emphasised in Paragraph 10.18 of the background text of the Lawshall Neighbourhood Plan.

<http://www.babergh.gov.uk/planning-and-building/planning-policy/babergh-local-plan-2006/babergh-local-plan-alteration-no-2/>

Proposals Map:

3.2 The principle of identifying Settlement Gaps on the Proposals Map of the Lawshall Neighbourhood Plan is fully supported.

3.3 However, an objection is raised that the configuration of The Street with its two constituent parts is not properly recognised within the Plan, and if this issue is not addressed further ribbon development may occur as a result of new housing development east of Swanfield and west of Oakdene.

3.4 The lack of a Settlement Gap within The Street could also seriously damage the existing landscape framework (supported by the ancient hedgerow and former boundary of Frithy Wood) running from Land north of Street Farm to Oakdene).

3.5 The landscape framework on the northern side forms a very important green wildlife corridor and the “cross-over” to the south adjacent to Swanfield provides linkage with the ancient hedgerows and open countryside to the south of The Street.

3.6 The retention of this green link would not necessarily preclude residential development on part of the land between Swanfield and Fox Cottage.

Please refer to the attached Plan showing the Proposed Lawshall Street Settlement Gap.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

POLICY LAW9 - Settlement Gaps

"The generally open and undeveloped nature of the gaps separating the distinct settlements in the village, as identified on the Proposals Map, will be protected from development in order to preserve the visual qualities of the landscape and to prevent coalescence and retain the separate identity of the settlements. Development will only be permitted within the identified gap if:

- i. it would not undermine the physical and/or visual separation of the settlements; and
- ii. it would not compromise the integrity of the Settlement Gap, either individually or in combination

with other existing or proposed development; and
iii. identified significant views will be protected.”

Replace the above wording with either of the following:

POLICY LAW9 - Settlement Gaps

"The generally open **or** undeveloped nature of the gaps separating the distinct settlements in the village **or contributing to the street scene**, as identified on the Proposals Map, will be protected from development in order to preserve the visual qualities of the landscape **and the street scene** and to prevent coalescence and retain the separate identity of the settlements. Development will only be permitted within the identified gap if:

- i. it would not undermine the physical and/or visual separation of the settlements; and
- ii. it would not compromise the integrity of the Settlement Gap, either individually or in combination with other existing or proposed development; and
- iii. **it would not compromise the integrity of a visually important gap in the street scene; and**
- iv. identified significant views will be protected.”

A Settlement Gap should be identified on the Proposals Map separating the two constituent parts of The Street.

Please refer to the attached Plan showing the Proposed Lawshall Street Settlement Gap

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important local issue that may not be adequately covered by Written Representations.

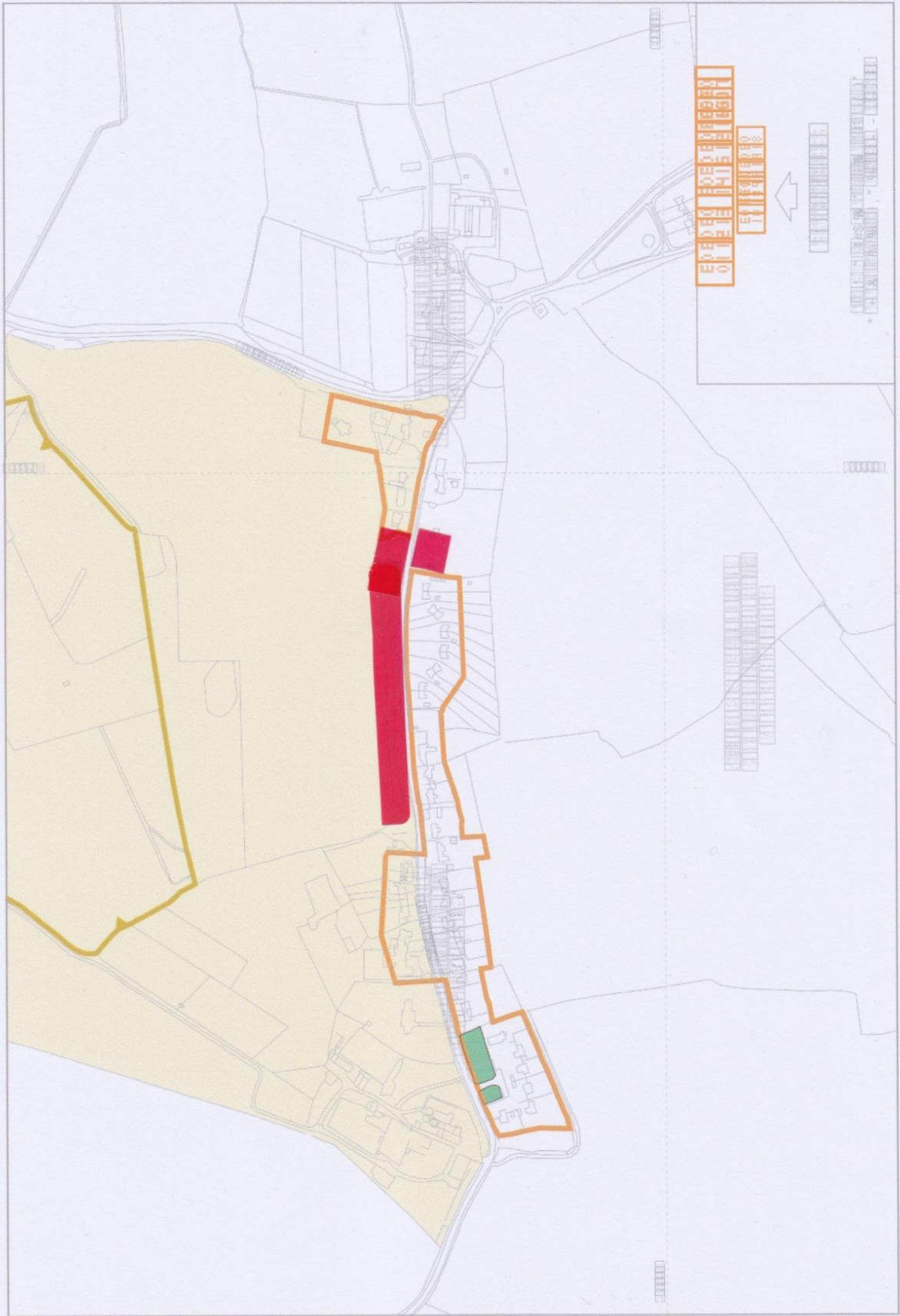
(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017



9. IMPORTANT COUNTRYSIDE FRONTAGE - SUBMISSION

For Office use only: **LWS-7 (9)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Important Countryside Frontage	Policy No.	New Policy
---------------	--------------------------------	------------	------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

Please refer to the preamble for my Settlement Gaps Submission.

1.1 This Submission is an alternative to the Settlement Gaps Submission and is put forward on the grounds that the Neighbourhood Plan does not adequately safeguard the rural fabric and character of the village. The benefit of following this approach is that it will enable a clear distinction to be made between “**visually important gaps in the street scene**” and “**Settlement Gaps**”.

1.2 The term “**Important Countryside Frontage**” is used rather than “**visually important gaps in the street scene**” as this would enable the inclusion of other frontages, such as the tree belt forming the boundary of the Coldham Hall parkland along the east side of Bury Road between the Our Lady Immaculate & St. Joseph Roman Catholic Church and the Coldham Hall Gatehouse.

1.3 The case is made that full regard should be given to the setting, character and appearance of Lawshall by retaining the sense of connection between the village and its rural origins and surroundings. The Important Countryside Frontage will identify those key frontages which should be kept free from development together with the open countryside beyond.

1.4 The policy concept has been used in a somewhat different form by South Cambridgeshire District Council.

[Refer Policy NH/13: Important Countryside Frontage - Proposed Submission Local Plan]

<https://scambbs.jdi-consult.net/localplan/readdoc.php?docid=224&chapter=6&docelemid=d39253#d39253>

Latest news: <https://www.scambbs.gov.uk/localplan>

1.5 The policy below has been worded below in such a way as to mirror Policy LAW9.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

New Policy - Important Countryside Frontage

Land with a strong countryside character or important historical setting that provides a significant connection between the street scene of the village and the surrounding rural area is defined on the Proposals Map as Important Countryside Frontage and will be protected from development.

Development will only be permitted if:

- i. it would not undermine the visual qualities of the landscape or erode its context;**
- ii. it would not compromise the integrity and distinctive identity of the street scene and surrounding rural area;**
- iii. it protects the historic edge of the settlement and the habitat network.**

Suggested Proposals Map designations with the Important Countryside Frontage notation:

(a) The boundary on the east side of Bury Road between the Our Lady Immaculate & St. Joseph Roman Catholic Church and the Coldham Hall Gatehouse.

(b) The boundary of the ancient hedgerow on the north side of The Street from Oakdene to Land north of Street Farm.

....and any other suitable frontages.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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it will enable me to explain an important issue that may not be adequately covered by Written Representations.

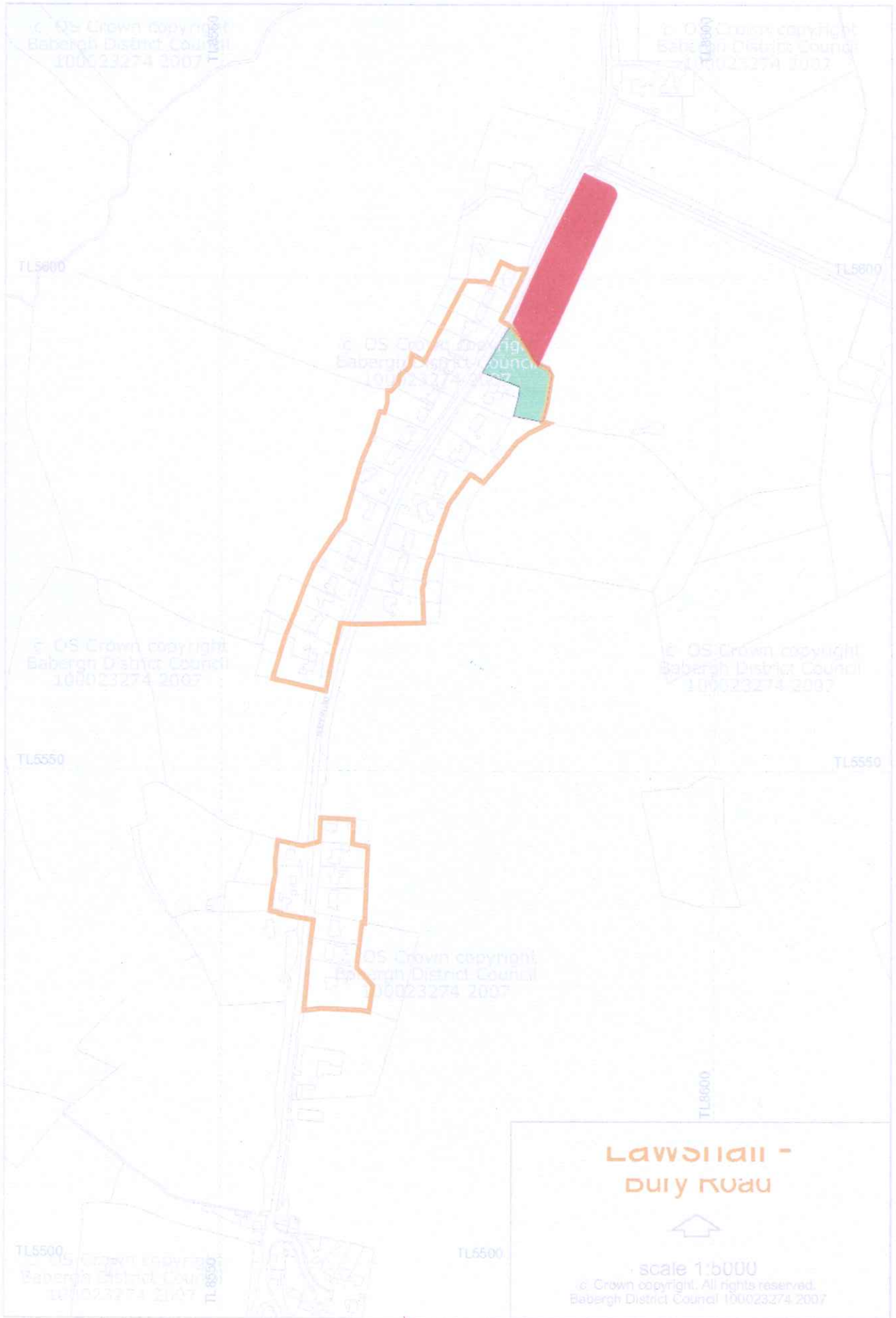
(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017



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10. SPECIAL LANDSCAPE AREA - SUBMISSION

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Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	10.19	Policy No.	LAW10
---------------	-------	------------	-------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. (para 113)"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Saved Policy CR04 of the Adopted Local Plan states:

"Development proposals in Special Landscape Areas will only be permitted where they:

- maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal; and*
- are designed and sited so as to harmonise with the landscape setting."*

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

NB: An area to the south of Bury St Edmunds is defined on the Proposals Map as Special Landscape Area. This includes a northern portion of Lawshall parish, centred on Frithy Wood SSSI.

<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/DISTRICTFINAL2.pdf>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW10 - Special Landscape Area

"Development proposals in the Lawshall Special Landscape Area, as identified on the Proposals Map, will be permitted only where they:

- protect and enhance the special landscape qualities of the area, identified in the Landscape Character Assessment; and*

- *are designed and sited so as to harmonise with the landscape setting.*”

The background text states:

“A Special Landscape Area near and including Frithy Wood has been designated in the development plan for a number of years. It extends north to join up with the Special Landscape Area recently reaffirmed in the St Edmundsbury Local Plan. It also borders on to one of the most iconic views that looks out from Donkey Lane across a wide dip of open fields towards Lavenham. Residents of Lawshall have demonstrated support to retain this designation which is reaffirmed in Policy LAW10 - Special Landscape Area, below, although we acknowledge the SLA designation may come under review as part of the preparation of the new Babergh Local Plan.” (Para 10.19)

2. General Appraisal

2.1 Janet L Cheesley BA (Hons) DipTP MRTPI, the Examiner into the Lavenham Neighbourhood Plan stated in April 2016 in her Report:

“I note that the future retention of the Special Landscape Areas in a forthcoming Local Plan is in doubt and I note that it was not considered appropriate to include these areas in the Core Strategy given the status of these as a local level designation and as an inherently site specific matter. Nevertheless, the Special Landscape Area to the east of Lavenham is a current designation under saved Local Plan Policy CR04.”

2.2 However Ms Cheesley did recommend that *“reference is made in Policy ENV1 to the Lavenham, rather than the Suffolk Landscape Character Assessment, with regard to maintaining or enhancing the special landscape qualities of the Special Landscape Area.”*

<http://www.lavenhamneighbourhoodplan.co.uk/wp-content/uploads/2016/07/Lavenham-Neighbourhood-Development-Plan-Examination.pdf>

2.3 The last paragraph of the “made” Lavenham Neighbourhood Plan reads as follows:

“Development proposals in the Special Landscape Area to the east of Lavenham will only be permitted where they:

- *maintain or enhance the special landscape qualities of the area identified in the Lavenham Landscape Character Assessment; and*
- *are designed and sited so as to harmonise with the landscape setting.”*

2.4 Given that the “made” Lavenham Neighbourhood Plan 2016 makes reference to the Special Landscape Area in Policy ENV1, it would be most inconsistent to remove such reference to SLAs in the Neighbourhood Development Plan for the nearby parish of Lawshall.

<http://www.babergh.gov.uk/assets/Neighbourhood-Planning/Lavenham-NP-July16.pdf>

2.5 The Babergh and Mid Suffolk Joint Local Plan (part 2) is currently under preparation. The Planning Policy Officers at Babergh District Council are understandably unable to speculate what the new Local Plan will say about Special Landscape Areas.

2.6 However it should be noted that Special Landscape Areas are included within Policy DM13 of the recently adopted Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) (p.28). (see below)

http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/upload/FINAL-JDMP-with-maps-26-02-2015.pdf

2.7 The adopted Local Plan Borough Policies Map (February 2015) shows the Special Landscape Area designation extending southwards from the southern outskirts of Bury St Edmunds to the northern boundary of Lawshall parish.

http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/upload/E-SEBC-Local-Plan-Policies-Map-Feb2015.pdf

2.8 The SLA then extends as far south as The Street in Lawshall in the Babergh Local Plan.
<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/DISTRICTFINAL2.pdf>
<http://www.babergh.gov.uk/assets/Strategic-Planning/Maps/LawshallStreet-AW.pdf>

2.9 The case is made that there must be consistency of approach adopted by St Edmundsbury Borough Council and Babergh District Council on Special Landscape Area designations. Different approaches could become nonsensical in planning terms, particularly in parishes like Lawshall where the Borough/District boundaries adjoin. The approach adopted by St Edmundsbury Borough Council in a recently approved Joint Local Plan is now clearly laid out. It would be highly irrational for Babergh District Council to adopt a different approach in their new Joint Local Plan. However, whatever approach is adopted by Babergh District Council it is possible that it will be closely scrutinised and challenged at the Plan Examination.

It is not known whether Ms Cheesley was aware of the Special Landscape Area designations in the adopted Local Plan Borough Policies Map (February 2015) approved by St Edmundsbury Borough Council, when preparing her Report for the Lavenham Neighbourhood Plan.

3. Conclusion

3.1 The case is made that the Neighbourhood Plan does not provide adequate safeguards to address the environmental and landscape impact of new development within the Lawshall Special Landscape Area.

3.2 There are two potential approaches that can be taken up in the Neighbourhood Plan, each of which is highlighted below.:

Alternative 1

3.3 The Lawshall Special Landscape Area designation has received support and recognition from local residents and therefore should be retained and if possible strengthened. However, the current wording of Policy LAW10 is basically a repetition of Saved Policy CR04 of the Adopted Local Plan, with the exception of the reference to the Landscape Character Assessment.

3.4 The current wording of Policy LAW10 provides "no added value" and a strong case is made for it to be strengthened to ensure that new development proposals in the SLA do not have an **unacceptable adverse impact on the character of the landscape, physical features, historic attributes, biodiversity, amenity value, or the nocturnal character of the countryside.**

3.5 All of these issues are of importance and it should be noted that they can be identified in Policy DM13 of the neighbouring adopted Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), a copy of which is provided below.

3.6 A key feature of Lawshall is its lack of street lighting, making the village, and its surrounding countryside, a very dark place where the stars are still clearly visible at night. This also has major benefits for wildlife, where woodland and hedgerows are afforded protection from impacts such as light spillage. In this context, the importance of recognising the **nocturnal character of the countryside** cannot be over-emphasised and hence its reference in the suggested revised wording of Policy LAW10.

3.7 Frithy Wood SSSI and its network of ancient hedgerows and green wildlife corridors, with its

owls, bats and other animals and insects active at night, greatly benefits from its nocturnal landscape setting.

3.8 Where development comes forward in the SLA it is important that commensurate provision is made for landscape mitigation and compensation measures, so that **any damage to the locally distinctive character is minimised**.

Alternative 2

3.9 If the view is taken that Special Landscape Area designations would not be included within the finalised Babergh and Mid Suffolk Joint Local Plan (part 2), the position would then be that Policy LAW10 would no longer apply as the application of policy would be taken from the most recently approved Development Plan, which would be the newly adopted Babergh Plan.

3.10 However, it is possible to cover this position at the present time by identifying within Policy LAW10 **areas of landscape sensitivity**, namely:

- Frithy Wood SSSI environs and its network of ancient hedgerows and green corridors; and
- Parkland of Coldham Hall

3.11 Frithy Wood SSSI and the network of ancient hedgerows have already been covered in other submissions.

3.12 Coldham Hall is a Grade I Listed Building which is located in St Edmundsbury Borough. Much of its parkland lies within Babergh District and Lawshall Parish. Whilst the parkland is not included Historic England's 'Register of Historic Parks and Gardens of special historic interest', it is of significance in landscape terms. It is noted that the St Edmundsbury Borough part of the parkland is designated as Special Landscape Area:

http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/upload/E-SEBC-Local-Plan-Policies-Map-Feb2015.pdf

In contrast the Babergh District portion of the parkland currently has no recognition.

<http://www.babergh.gov.uk/assets/Strategic-Planning/Maps/LawshallBuryRd-AW.pdf>

This inconsistency obviously needs to be addressed in the Lawshall Neighbourhood Plan. The SLA designations were originally made by Suffolk County Council who should be able to advise on the anomaly.

<https://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Environment/Local%20Sites.jpg>

Policy DM13 - adopted Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015),

Landscape Features

Development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

Areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the Policies maps) have been identified. These areas, and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project) have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact.

All proposals for development should be informed by, and be sympathetic to, the character of the landscape. Landscape Character Types are identified in the Suffolk Landscape Character Assessment. However, the 'Type' boundaries are only indicative, being mapped for the whole county at a scale of 1:50,000. Therefore, the character of the site and setting of a proposal should be individually assessed.

All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.

Developers/applicants will be required to submit, where appropriate, landscaping schemes with applications for planning permission and for the approval of reserved matters.

Where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations.

However, it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.

Where this is not possible development will not be permitted

http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/upload/FINAL-JDMP-with-maps-26-02-2015.pdf (p.28)

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

POLICY LAW10 - Special Landscape Area

“Development proposals in the Lawshall Special Landscape Area, as identified on the Proposals Map, will be permitted only where they:

- protect and enhance the special landscape qualities of the area, identified in the Landscape Character Assessment; and*
- are designed and sited so as to harmonise with the landscape setting.”*

Replace the above wording with either of the following alternatives:

Alternative 1

POLICY LAW10 - Special Landscape Area

“Development proposals in the Lawshall Special Landscape Area, as identified on the Proposals Map, will be permitted only where they:

- will not have an unacceptable adverse impact on the character of the landscape, physical features, historic attributes, biodiversity, amenity value, or the nocturnal character of the countryside;**
- protect and enhance the special landscape qualities of the area, identified in the Landscape Character Assessment; and**
- are designed and sited so as to harmonise with the landscape setting and to ensure that any damage to the locally distinctive character is minimised.”**

OR

Alternative 2

POLICY LAW10 - Areas of Landscape Sensitivity

“Development proposals in areas of landscape sensitivity, including:

- (a) Lawshall Special Landscape Area (as identified on the Proposals Map);**
- (b) Frithy Wood SSSI environs and its network of ancient hedgerows and habitat corridors;**

and
(c) Parkland of Coldham Hall

will be permitted only where they:

- will not have an unacceptable adverse impact on the character of the landscape, physical features, historic attributes, biodiversity, amenity value, or the nocturnal character of the countryside;
- protect and enhance the special landscape qualities of the area, identified in the Landscape Character Assessment; and
- are designed and sited so as to harmonise with the landscape setting and to ensure that any damage to the locally distinctive character is minimised."

The Areas of Landscape Sensitivity can be identified on the Proposals Map with the use of an appropriate notation.

NB: Paragraph 10.19 will need to be amended to reflect whether Alternative 1 or 2 is followed.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important issue that may not be adequately covered by Written Representations. A hearing would also be helpful as there two possible approaches put forward.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

11. CONSERVATION AREA - SUBMISSION

For Office use only: **LWS-7 (11)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	11.2 & 11.12	Policy No.	Community Action – Conservation Area
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012) states:

" 127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest."

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan Alteration No. 2 (2006)

Paragraph 7.42 & 7.43 of the Adopted Local Plan states:

"7.42 The District Council will, from time to time, designate areas of special architectural or historic interest as conservation areas, whose character or appearance it wishes to preserve or enhance. It will also review such designations and their boundaries at appropriate intervals and make any necessary changes, and prepare conservation area appraisals for all new and existing conservation areas."

"7.43 Possible areas for designation as conservation areas following detailed survey and consultation work are:

..... Lawshall"

<http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/2006-local-plan/>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

"However, there is no designated Conservation Area to protect areas of special architectural or historic interest. (Paragraph 11.2)"

"Given the range and quality of buildings and features of architectural and historic interest, it is considered that the establishment of further work could be initiated, outside the NP process, to

establish whether a conservation area could be warranted. The Parish Council would need to start this process through discussions with Babergh District Council, but ultimately it is the responsibility of the District Council to undertake the designation process in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. (Paragraph 11.12)”

Community Action

Conservation Area

- **the Parish Council will approach Babergh District Council to ascertain whether an area of Lawshall has a sufficient range and quality of buildings and features**

2. Consultation Statement (January 2017)

2.1 The following comments were made in the Consultation Statement:

Local communities working on their neighbourhood plans may identify areas as potential Conservation Areas. These can be areas which have a special interest to the community which might also have historic associations previously not understood. In the past Lawshall compared unfavourably with the likes of Lavenham and Long Melford and the prospect of Babergh District Council designating part of the village as a Conservation Area was extremely remote. However, the advent of Neighbourhood Plans has somewhat changed the position and a few communities are now putting forward Conservation Area designation proposals. The Draft Plan highlights the number and distribution of Listed Buildings within the Parish. A possible Conservation Area candidate could be the area of The Street between Lawshall Hall and the Swan Inn. A historical association could be the cottages situated near the former horse hair factory. The Conservation Manager at Babergh DC has indicated that there are examples of Conservation Areas with a secondary hub. For Lawshall an obvious candidate would be the grouping of Listed Buildings at Hibb's Green and Lawshall Green which also has the additional historical asset of Drake's Well. If the NPT are supportive and a sufficient evidence base can be built up, the following form of wording could be included within the Plan. The Parish Council (may consider whether/propose that) suitable areas in the Parish should be put forward to the Local Planning Authority for designation as a Lawshall Conservation Area given the important historical assets within the Parish.

NP Group Response: Designation of a conservation area in Lawshall would be the responsibility of Babergh District Council and the process of designation is set out in Planning (Listed Buildings and Conservation Areas) Act 1 990. Paragraph 127 of the NPPF cautions local planning authorities to ensure that an area justifies designation as a conservation area because of its special architectural or historic interest. Reference to the establishment of a conservation area and a new Community Action have been included in the Neighbourhood Plan.

3. Appraisal

3.1 The response to the comments made in the Consultation Statement and the Submission Plan amendments appear to have a rather negative tone that casts doubt whether Lawshall has sufficient range and quality of buildings and features to merit designation as a conservation area.

3.2 The reality is that the background text of the Babergh Local Plan Alteration No. 2 (2006) does identify Lawshall as one of the 13 settlements in Babergh that are possible areas for designation as conservation areas following detailed survey and consultation work. My discussions with the District Council's Conservation Officers have been positive, although it has been stressed that the

local community will need to undertake the work to build up a sufficient evidence base. the LPA no longer have the resources to undertake this type of work.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

That the background text in Paragraph 11.12 and the Community Action is reworded in a more positive tone that will help encourage the local community to undertake the work to build up a sufficient evidence base to achieve Conservation Area status for the historic area(s) of the village.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

12. OPENNESS & TRANSPARENCY - SUBMISSION

For Office use only: **LWS-7 (12)**

Babergh DC Note: The following e-mail was received from Mr Livall after the close of the statutory consultation period but has been included at this point for the purposes of clarity.

Dated: 3rd April 2017
To: Babergh DC
From: Mr Livall

[Text removed]

I am also aware of a factual error in the 12.Openness & Transparency Submission where:

"• On 23rd May 2016, this was confirmed by the Parish Council Chairman at a meeting of The Street Residents held at the Swan Public House."

should read:

"• On **19th September 2016**, this was confirmed by the Parish Council Chairman at a meeting of The Street Residents held at the Swan Public House."

I would be grateful if you will bring this matter to the attention of the Examination Inspector. I apologise for my error.

12. OPENNESS & TRANSPARENCY - SUBMISSION

For Office use only: **LWS-7 (12)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Lack of Openness & Transparency	Policy No.	LAW7 & LAW8
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Main Issues

1.1 This is a difficult matter for me to raise as I previously held a “utopian view” of Neighbourhood Plans where all members of the local community are invited to get actively involved in their village plan and the whole process is open and transparent to ensure that anyone who wants to be “is on board” and has full trust in those that are conducting the process. Steering Group meetings are well advertised and Sub Groups, Working Groups and Landowner/Agents meetings are all open to the local population who want to be involved or check that there is fair play. Nothing is hidden and the origins and justification of the NP’s policies are clear to all.

1.2 In reality the position in Lawshall has been somewhat different, and I raise below some of my concerns:

- The muted way the NPT was formed without a public meeting or recognised selection process;
- The over-representation of members involved with a local group, Forest for our Children (FoC);
- The inability to accept that someone new could join the NPT with different and more challenging views;
- The presentation of a Community Engagement Strategy without any public consultation;
- The unwillingness of the NPT to be open to independent scrutiny;
- The sparsity of NPT meetings [*just 9 appear on NPT’s website, 3 of which were held before Plan preparations started*];
- The complete lack of detail and minutes of Sub Groups, Working Groups and Landowner/Agents meetings;
- The incapacity to “drill-down” to determine how policies have been prepared and issues have been covered;
- The inability to respond to emails when difficult issues arise; and most recently
- The non-cooperation / refusal to allow a resident to view NPT files covering preliminary submissions.

2. Case Example: Residential Proposal North of The Street

2.1 I present the following time-line regarding this significant residential proposal [*Site No. 20 in 1. Housing Quantity Submission and sometimes referred to as the Frithy Wood residential proposal*]:

- In around April 2016, word got around our part of the village that NPT were considering a residential proposal north of The Street.
- On 23rd May 2016, this was confirmed by the Parish Council Chairman at a meeting of The Street Residents held at the Swan Public House.
- On 6th December 2016, a local landowner and a team of 5 experts were seen undertaking assessments on the north side of The Street (opposite Well Cottage), presumably looking for a suitable access point through the ancient hedgerow and historic ditch.
- On 11th December 2016, an issue of concern was raised with the NPT Chair and copied to the Parish Council Chairman. [*see Para 3.3 of 5. Ancient Hedgerows Submission*]. A formal response to this email has not been received.
- On 18th March and 23rd March 2017 formal requests were submitted to the NPT Chair to view preliminary submissions, including housing development proposals.
- Access to view discussion notes and minutes and subsequent responses was not forthcoming, and in an email response from the NPT Chair on 26th March 2017, it was explained that the NPT only had a submission from The Willows and a request from a developer, CZero.
- On 27th March I raised the following questions with the Parish Council Chairman:
 - What happened to the residential proposal north of The Street?

- When was this issue considered by the Parish Council, NPT or Sub-Group?
- Was the proposal minuted or discussion notes taken? If not, why not?
- Were any outcomes agreed?
- I understand that this matter will now be addressed at the Parish Council meeting on 11th April 2017.

2.2 The case can be made that Policies LAW7, LAW8, LAW9 and LAW10 as they currently stand all appear to be weak in safeguarding and protecting the special character and fabric of the village and its important environmental and landscape assets.

2.3 The reason that I have been so keen to see the residential proposal north of The Street is to establish whether there is any relationship between the wording of the above policies and this preliminary scheme, taking into account any interests registered at that time. I have not been permitted to have access to the NPT's files, so I can only speculate. The NPT and Parish Council minutes make no mention of a residential proposal north of The Street.

2.4 I would like to make further Written Representations on this issue but can only do so if I am given access to the submitted plans and discussion notes regarding the above proposal. I remain concerned that there may be more than one hidden agenda.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

Policies are often worded to take account of the circumstances prevailing at the time. The Examination Inspector may be able to determine whether the weak wording of Policy LAW7, Policy LAW8 and other policies have been influenced by the residential proposal north of The Street.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

it will enable me to explain an important local issue that may not be adequately covered by Written Representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall	Date: 30 March 2017
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Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW1
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW1 – Lawshall’s Settlement Planning Policy

“Development proposals within the Built-Up Area Boundary of Lawshall, as defined on the Proposals Map, will be permitted, provided they accord with the other provisions of the Development Plan.

In addition, outside the Built-Up Area Boundary, small scale development proposals will be permitted, provided they accord with the other provisions of the Development Plan and where:

- they contribute towards meeting local needs; and*
- are well related to the existing pattern of development within Lawshall*

To be considered “well related”, sites should be adjacent to the Built-Up Area Boundary (subject to environmental constraints set out in this plan) or within the confines of the following “clusters” of 8 or more existing dwellings, as identified on the Policies Map:

- Harrow Green;*
- Hanningfield Green;*
- Hibbs Green;*
- Lawshall Green; and*
- Audley End*

Sites that do not meet the above criteria will be treated as countryside and development proposals in these areas will need to have regard to other relevant national and local planning policies.”

2. Brief Appraisal

2.1 Use of the term “outside” the Built-Up Area Boundary could mean that small scale development proposals might be acceptable anywhere in the adjoining “Countryside”. This could lead to additional speculative development proposals. It can be avoided by using the term

“outside, but adjacent to” the Built-Up Area Boundary.

2.2 The sentence “*To be considered “well related”, sites should be adjacent to the Built-Up Area Boundary (subject to environmental constraints set out in this plan)....*” appears in the third paragraph of the policy. A number of issues arise in this paragraph, including the need to emphasise that development sites:

- “must adjoin” the Built-Up Area Boundary
- “should not be” subject to “any over-riding environmental constraint”

2.3 At the same time, it is unclear what these “environmental constraints” are and they should either be highlighted in the policy or the supporting text. Policy references might be included as appropriate.

2.4 With reference to “*or within the confines of the following “clusters” of 8 or more existing dwellings, as identified on the Policies Map*”, this portion of the paragraph is about infilling in the Clusters and a suitable reference to “infilling” should be included. Finally, the term Policies Map should be replaced by “Proposals Map”.

2.5 With reference to the last paragraph which covers Countryside, it would be helpful to cross-reference the relevant national and local planning policies in the supporting text.

2.6 In addition, it should be noted in the supporting text that Hart’s Green is not recognised as a “cluster”.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

The revised policy should be re-worded as follows:

POLICY LAW1 – Lawshall’s Settlement Planning Policy

Development proposals within the Built-Up Area Boundary of Lawshall, as defined on the Proposals Map, will be permitted, provided they accord with the other provisions of the Development Plan.

In addition, **outside, but adjacent to, the Built-up Area Boundary**, small scale development proposals will be permitted, provided they accord with the other provisions of the Development Plan and where:

- they contribute towards meeting local needs; and
- are well related to the existing pattern of development within Lawshall

To be considered “well related”, sites **must adjoin** the Built-Up Area Boundary (**and should not be** subject to **any over-riding environmental constraint*** set out in this **Plan**) or **represent infilling** within the confines of the following “clusters” of 8 or more existing dwellings, as identified on the **Proposals Map*****:

- Harrow Green;
- Hanningfield Green;

- Hibbs Green;
- Lawshall Green; and
- Audley End

Sites that do not meet the above criteria will be treated as **Countryside** and development proposals in these areas will need to have regard to other relevant national and local planning policies**.

Footnotes

* **List the environmental constraints and relevant NP polices.**

** **Define Countryside and list the relevant national and local planning policies.**

*** **Explain that Hart's Green is not recognised as a "cluster".**

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW2
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW2 – Housing Development within the Built-Up Area Boundaries

“Within the Built-up Area Boundaries, as defined on the Proposals Map, there is a general presumption in favour of residential development in the form of single dwellings and small groups of up to five dwellings.

The scale and nature of all schemes must ensure an appropriate level of services, facilities and infrastructure, including primary school capacity, are available or can be provided to serve the proposed development.”

2. Brief Appraisal

2.1 The NPPF provides a clear *"case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."* Given the number of potential development sites that could come forward from the Lawshall Neighbourhood Plan [see 1. Housing Quantity Submission] and the potential for back-land development in the village as the result of “knock-downs”, a case is made that a new policy should be incorporated within the Plan covering Infilling and Back-land Development [see 3. Residential Gardens Submission].

2.2 If the Examination Inspector accepts that there is a case for the inclusion of a policy covering Infilling and Back-land Development, this should be cross-referenced to Policy LAW2.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

Cross-reference Policy LAW2 with a new policy covering Infilling and Back-land Development [see 3. Residential Gardens Submission]

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

Section Two: Your representation(s)

To which part of the document does your representation relate? *(You may wish to complete a separate form for each separate representation)*

Paragraph No.		Policy No.	LAW3
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW3 – Housing Development outside the Built-Up Area Boundary

“Proposals for new housing development outside the Built-Up Area Boundary will be permitted where they take the form of:

- single dwellings and small groups of up to 5 dwellings outside, but adjacent to, the Built-up Area Boundary; or
- one dwelling or a pair of semi-detached dwellings on an undeveloped plot adjacent to or fronting an existing highway and within a cluster identified in Policy LAW1.

The scale and nature of all schemes must ensure an appropriate level of services, facilities and infrastructure, including primary school capacity, are available or can be provided to serve the proposed development.

All proposals should be accompanied by:

- a completed CS11 assessment checklist, which takes into account any cumulative impact taken with other existing commitments in the village; and
- a Landscape Visual Impact Assessment;

Permission will not be granted where:

- a proposal harms or undermines a settlement gap that contributes to the character and distinctiveness of the rural scene,
- where development would have an adverse impact on the environment or highway safety; or
- a proposal comprises ribbon development that would result in the coalescence of settlements and identified clusters.

Note: A small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.”

2. Brief Appraisal

2.1 The NPPF provides a clear "case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." Given the number of potential development sites that could come forward from the Lawshall Neighbourhood Plan [see 1. Housing Quantity Submission] and the potential for back-land development in the village as the result of "knock-downs", a case is made that a new policy should be incorporated within the Plan covering Infilling and Back-land Development [see 3. Residential Gardens Submission].

2.2 If the Examination Inspector accepts that there is a case for the inclusion of a policy covering Infilling and Back-land Development, this should be cross-referenced to Policy LAW3.

2.3 More of my submissions also impact on or relate to Policy LAW3, including:

- 2. Sequential Approach Submission - Questions covering the relationship of the Neighbourhood Plan with Babergh District Council's "Rural Development and Core Strategy Policy CS11 SPD (August 2014)". (Policy LAW3)
- 8. Settlement Gaps Submission - Amendment to Policy LAW9 and Proposals Map
- 9. Important Countryside Frontage Submission - New Policy covering Important Countryside Frontage

2.4 If the Examination Inspector accepts that there is a case for their inclusion, they should also be properly cross-referenced to Policy LAW3, along with other environmental policies within the Plan.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

Cross-reference Policy LAW3 with a new policy covering Infilling and Back-land Development [see 3. Residential Gardens Submission]

Cross-reference Policy LAW3 to other policies as appropriate, in particular to the Plan's environmental policies, to ensure that constraints are not ignored.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW4
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012):

" To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; (para 50)"*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW4 – Housing Mix

"Housing development must contribute to meeting the existing and future needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people particularly in the need for 2 and 3 bedroom dwellings for first time buyers as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation."

2. Brief Appraisal

2.1 A revised policy is suggested below which more closely accords with the NPPF, in particular catering for the needs of:

- first time buyers
- families with children
- older people

- people with disabilities
- people wishing to build their own homes

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

“Housing development must contribute to meeting the existing and future needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people, **including:**

- **first time buyers**
- **families with children**
- **older people**
- **people with disabilities**
- **people wishing to build their own homes**

The need for 2 and 3 bedroom dwellings for first time buyers and **accommodation** for an ageing population looking to downsize into homes suitable for lifetime occupation, **are identified as a priority.**

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW5
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

National Planning Policy Framework (2012):

" In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.; (para 54)"

"Definition

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding."

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014

Policy CS20: Rural Exception Sites

"The Council will take a flexible approach to the location of rural exception sites in the district, and will allow proposals adjacent, or well related, to the settlement development boundaries of Core and Hinterland Villages where:

the development complies with other relevant policies in the Core Strategy and Policies document, particularly Policy CS15;

the proposed development by virtue of its size, scale and type will not exceed the identified local need (including need identified in other settlements within the same or adjacent / adjoining functional cluster(s));

the type of dwellings to be provided are consistent with the needs identified by the housing needs

survey and agreed in advance by the District Council;
and where the proposed development is appropriate to the size / scale and character of the village, and is acceptable in terms of other detailed considerations such as site location and circumstances, design, layout, materials, landscaping, biodiversity, impacts on the countryside, amenity, and access, etc.

Note: The following criteria will be used to assess whether a proposal is well related to the host village:

- *physical distance / degree of separation - a sequential approach to site selection will be used (that is, sites adjacent to the boundary need to be explored first, with sites at increasing distance being sequentially less preferable in principle);*
- *the location of the site in relation to the facilities, services and other such sustainability assets (such as recreation provision, employment opportunities, etc.) of that village;*
- *accessibility to the village (primarily by non car transport modes) and ability to improve it; and*
- *visual impacts and ability to integrate the development into the landscape”*

<http://www.babergh.gov.uk/assets/Strategic-Planning/Babergh-Core-Strategy/CORE-STRATEGY-AND-POLICIES-FINAL-Feb-2014.pdf>

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW5 – Affordable Housing on Rural Exception Sites

“In accordance with Policy CS20 of the Babergh Core Strategy, proposals for the development of small-scale affordable housing schemes on rural exception sites outside the Built-up Area Boundary, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the housing:

- always remains affordable;*
- is for people that are in housing need by virtue that they are unable to buy or rent properties in the village at open-market prices;*
- is offered, in the first instance, to people with a demonstrated local connection. Where there is no need, a property should then be offered to those with a demonstrated need for affordable housing in neighbouring villages.*

These restrictions should be delivered through a legal agreement attached to the planning consent for the housing. Note: More guidance on local connections criteria is available in Babergh’s “Local Connection Criteria for Local Housing Needs Schemes””

2. Brief Appraisal

2.1 Policy LAW5 provides little guidance in terms of the criteria used to determine the location of “rural exception sites”, other than the cross-referencing with Policy CS20 of the Core Strategy. A function of the Neighbourhood Plan should be to set down locational guidance against the key planning constraints that are pertinent to the village. Such environmental and social safeguards will help facilitate sustainable development in Lawshall.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

Policy LAW5 should include locational guidance for “rural exception sites” covering the core planning constraints that are pertinent to the village, including reference to the environmental safeguards put forward in the Plan.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	LAW6
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. Policy background

Lawshall Neighbourhood Plan (Submission Plan January 2017) states:

POLICY LAW6 – Important Recreation and Green Space

“The areas listed below and identified on the Proposals Map are designated ‘Important Recreation and Green Space’ which are protected from new development unless very special circumstances can be demonstrated

1. *The Foundry Meadow*
2. *The Glebe Open Space*
3. *Walcher’s Meadow*
4. *Village Hall Open Space*
5. *Hall Mead Open Space*
6. *Churchill Close Meadow*
7. *Harrow Green*
8. *Hanningfield Green*
9. *Hibbs Green*
10. *Lawshall Green*

Ancillary development relating to the primary use of the green spaces, playing fields, allotments and other areas used for sport and recreation purposes will be supported provided that it does not adversely affect the quality and use of the area.”

2. Brief Appraisal

2.1 It is apparent that “wide verges” have been included at Harrow Green and Hibbs Green as “Important Recreation and Green Space” in Policy LAW6 and on the Proposals Map. The inclusion of this form of amenity open space is fully supported.

2.2 However, an objection is raised to the exclusion of the wide verge on the north side of The Street opposite the Swan Public House, Swiss Cottage and Well Cottage. This amenity open space appears to be more significant than those at Harrow Green and Hibbs Green

2.3 This linear strip, which adjoins the deep ditch and ancient hedgerow that formed the old boundary of Frithy Wood, has been an important amenity area for many years. Besides being an “amenity open space area” for local residents, it has also acted as an overspill parking area for the public house and for the church and primary school. The six peripheral trees were planted by my neighbour’s brother (sadly now deceased) some 40 years ago.

2.4 With the increasing amount of traffic that the local All Saints primary school generates at peak times, this amenity area over the last few years has increasingly been used for school parking. With the recent expansion of the school, the amenity area has been damaged during the winter months by parents on the “school run”.

2.5 The Street amenity area is desperately in need of proper management and one solution suggested by the Kier engineers is to lay down “grasscrete” which will enable the grass to grow through concrete blocks.

2.6 Whatever management solution is agreed, the case is made that this strip of land first and foremost is amenity open space for those living nearby and should be recognised as such by the Neighbourhood Plan. With reference to the Street View of Google Maps one can see how the wide verge appeared before the recent despoliation.

https://www.google.co.uk/maps/@52.1550539,0.7278511,3a,75y,304.26h,86.27t/data=!3m6!1e1!3m4!1s_ms55FXUKXAPwlg7nHLNQQ!2e0!7i13312!8i6656

NB: In this instance, I must declare an interest as I live opposite The Street amenity open space area and have mown this strip of verge with a ride-on mower for the last 25 years.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

“The Street Open Space” should be designated “Important Recreation and Green Space” in Policy LAW6 and on the Proposals Map.

A footnote to the policy might be included which sets down the future management requirements for this important amenity area.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I consider that this matter can be dealt with by Written Representations.

I would wish to attend the hearing in the event that this policy is the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017



LWS-7(18)

REMAINING POLICIES - SUBMISSION

For Office use only: **LWS-7 (19)**

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	Remaining Policies	Policy No.	LAW11, LAW12, LAW13, LAW14, LAW15 and LAW16
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

No further comments are made on the following policies:

- Policy LAW11 – Protection of Heritage Assets
- Policy LAW12 – Local Heritage Assets
- Policy LAW13 – Design Principles
- Policy LAW14 – Community Facilities and Services
- Policy LAW15 – Infrastructure
- Policy LAW16 – Flood Management

I support the above policies subject to any additional comments I have made at the Public Consultation stage. Any new amendments that I might suggest would in my view achieve very little in terms of “added value”.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

No additional changes are put forward.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

I would wish to attend the hearing in the event that any of the above policies are the subject of discussion at the examination hearing.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall	Date: 30 March 2017
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Section Two: Your representation(s)

To which part of the document does your representation relate? *(You may wish to complete a separate form for each separate representation)*

Paragraph No.	Additional Information	Policy No.	
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible

1. As a goodwill gesture I sent a copy of my draft Frithy Wood Submission to the NPT on 14 March 2017.
2. With reference to Para 3.3 of Submission 5, a new boundary fence has now been erected in the south-west corner, splitting the ancient hedgerow and landscape framework between the two ownerships. The access opportunity that had been created is no longer so apparent.
3. I have been through the Suffolk Hedgerow Survey data for Lawshall which is held by the Suffolk Biodiversity Information Service in Ipswich. One of the most important hedgerows in the parish in terms of number of species, is the one fronting The Street (from Oakdene to Land North of Street Farm). I attach a copy of Survey Form 136 which indicates 14 species in this hedgerow. I also attach a copy of Survey Form 135 which indicates 9 species in the hedgerow running from The Street to Frithy Wood. I also have copies of hedgerow survey data for other potential development sites in Lawshall.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible

The above points are provided for information.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary. Please note a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible

Not applicable

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Tick
The final 'making' (adoption) of the NDP by Babergh District Council	Tick

Signature: Richard Livall

Date: 30 March 2017

SUFFOLK HEDGEROW SURVEY SURVEY FORM

RECORDER <i>Aslge</i>	PARISH <i>LAWSHALL</i>
Date <i>18/7/09</i>	Hedge number <i>136</i>
Hedge mid-point grid reference	No. <i>136</i> Grid Ref <i>586721 254283</i> 586506 254286

All Hedgerow Species	Hedge Sample				Hedgerow Trees (#)					Hedge Structure	tick
	A	B	C	D	N	S	P	D	V		
Ash	✓	✓	✓							Newly planted	
Beech										Remnant	
Blackthorn	✓	✓	✓							Laid	
Bramble		✓	✓							Over managed [regularly trimmed]	
Crab-apple			✓							Periodically trimmed	
Rose Species										Overgrown/low trees [no undergrowth]	✓
Dogwood			✓							Overgrown to ground [mature with undergrowth]	✓
Elder										Overgrown & spreading [mature with bushy outgrowth at base]	
Elm	✓	✓	✓							Line of trees	
Guelder Rose										Coppiced hedge	
Hornbeam											
Field Maple	✓	✓	✓							Landscape connections	
Hawthorn	✓	✓	✓							[Tick those that apply] Side	1 2
Hazel	✓	✓	✓							Grass verge	
Holly			✓							Unploughed arable headland	✓
Ivy										Ploughed arable headland	
Lime										3 metre buffer strip	
Oak			✓							6 metre buffer strip	
Old Mans Beard										Gardens	
Plum										Woodland	
Poplar										Grassland	
Spindle										Road	✓
Sycamore	✓	✓								Track	
Wayfaring tree										Footpath	
Willow	✓		✓							Other [please specify]	
Other (list*)											
<i>Cherry</i>	✓	✓									
Totals	<i>14</i>	<i>9</i>	<i>8</i>	<i>11</i>							

- * Particularly look for and record key conservation species: small leaved lime, service tree, black poplar and spurge laurel.
Please make sure any entry of Hedgerow Trees also appears in the species section.

Adjacent Features	Comments
<input checked="" type="checkbox"/> Banks	<i>Wood bank</i>
<input checked="" type="checkbox"/> Ditches	
<input type="checkbox"/> Ponds (presence/absence)	
<input type="checkbox"/> Other	

SUFFOLK HEDGEROW SURVEY SURVEY FORM

RECORDER <i>AW/AC</i>	PARISH <i>LAWSHAM</i>
Date <i>25/6/09</i>	Hedge number <i>135</i>
Hedge mid-point grid reference <i>7</i>	No. 135 Grid Ref 586604 254356

All Hedgerow Species	Hedge Sample				Hedgerow Trees (#)					Hedge Structure	tick
	A	B	C	D	N	S	P	D	V		
Ash	✓									Newly planted	
Beech										Remnant	
Blackthorn										Laid	
Bramble	✓									Over managed [regularly trimmed]	
Crab-apple										Periodically trimmed	
Rose Species	✓									Overgrown/low trees [no undergrowth]	
Dogwood	✓									Overgrown to ground [mature with undergrowth]	
Elder										Overgrown & spreading [mature with bushy outgrowth at base]	
Elm	✓									Line of trees	
Gelder Rose										Coppiced hedge	
Hornbeam											
Field Maple	✓									Landscape connections	
Hawthorn	✓									[Tick those that apply] Side	1 2
Hazel	✓									Grass verge	
Holly										Unploughed arable headland	
Ivy										Ploughed arable headland	✓
Lime										3 metre buffer strip	
Oak										6 metre buffer strip	✓
Old Mans Beard										Gardens	
Plum										Woodland	
Poplar										Grassland	
Spindle	✓									Road	
Sycamore										Track	
Wayfaring tree										Footpath	
Willow										Other [please specify]	
Other (list*)											
Totals	9	✓									

* Particularly look for and record key conservation species: small leaved lime, service tree, black poplar and spurge laurel.
Please make sure any entry of Hedgerow Trees also appears in the species section.

Adjacent Features	Comments
<input type="checkbox"/> Banks	<i>Former Woodland margin - Wood grubbed out c. 1940</i>
<input type="checkbox"/> Ditches	
<input checked="" type="checkbox"/> Ponds (presence/absence)	
<input type="checkbox"/> Other	

How to survey your hedge.

Normally you fill in one record sheet for each hedge. The objective is to make a simple record, which gives an accurate statement of the range of species and condition of the hedge by recording one or more 30-metre sample.

- First locate your numbered hedge on the map provided and walk the full length.
- Decide how many 30 metre samples (up to 4) and choose where to take them along the hedge to give an accurate representation. If you need more than 4 sample because the hedge is very variable, changes in character or is very long, divide the hedge into two and fill in two separate forms.
- Fill in the details of hedge location etc at the top of the form.
- On the forms enter each sample separately under A (first sample), B, C and D.
- For each species found, place a tick in the corresponding box.

Hedgerow Trees Mark column N, S, P, D, V by inserting the letter of the sample column in which the tree is present. **Please make sure that any entry of Hedgerow Trees also appears in the species section.**


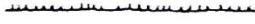
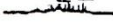
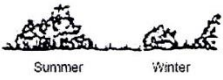





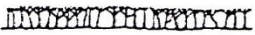






Key – N stands for newly planted, S for standard, P for pollarded, V for veteran and D for dead.

Veteran trees are defined as more than 4.2m (13ft 9") circumference at chest height. This is equal to a diameter of 1.23m (4ft 1/2") at chest height.

Note – Most pollards are classified as veterans, but must also meet the criteria above and be recorded separately as indicated.

Use the diagrams below to decide which most nearly resembles your hedge.

Hedge Structure

	<u>Cross section</u>	<u>Side view</u>	<u>Notes</u>
Coppiced			The trees have been cut low to the ground
Remnant			Only a few shrubs or trees remain. There are more gaps than hedge. The hedge remnants may have been cut/pollarded.
Laid			Laid within last few years: a good solid boundary managed in a traditional fashion.
Periodically Trimmed			Minimum 2m high x 1 1/2m wide.
Regularly trimmed (Over Managed)			Less than 2m high x 1 1/2m wide resulting in inadequate wildlife cover.
Overgrown with no undergrowth			The hedge has become a low line of low trees.
Mature with undergrowth			The hedge has been allowed to grow.
Mature with bushy outgrowths at base			The hedge is spreading onto verge and field margin.