

# **Botesdale & Rickinghall Neighbourhood Development Plan 2017 – 2036**

## **Independent Examination**

First published: 7 June 2019

**Last updated: 25 July 2019**

### **Introduction**

This document will provide an on-going record of all ‘general’ correspondence during the Botesdale & Rickinghall Neighbourhood Plan examination between Ann Skippers (the Examiner), the Parish Councils / NP Working Group, and Mid Suffolk District Council.

As required, specific documents will be published here and / or on the following webpage: [www.midsuffolk.gov.uk/BotesdaleRickinghallNP](http://www.midsuffolk.gov.uk/BotesdaleRickinghallNP)

### **Copies of e-mails / letters appearing on the following pages:**

- 1. E-mail from Examiner dated 22 May 2019 re Questions for Clarification**
- 2. E-mail to Examiner dated 6 June 2019 - Response to Q’s for Clarification**
- 3. E-mail from Examiner dated 17 June 2019 – Further queries on B&R NP**
- 4. E-mail to Examiner from NP Group dated 28 June 2019 re Q2 - Q4**
- 5. E-mail to Examiner from Mid Suffolk dated 1 July 2019 re Q1**
- 6. E-mail to Examiner from Mid Suffolk dated 25 July 2019 re updated Screening Report and Determination Notices**

## 1. Questions for Clarification from Examiner on Botesdale & Rickinghall NDP

**From:** Ann Skippers  
**To:** Paul Bryant (BMSDC)  
**Dated:** 22 May 2019  
**Subject:** Questions of Clarification from the Examiner on the Botesdale and Rickinghall NDP  
**Attach':** 'Questions for Clarification ...'

Dear Paul,

I am making good progress with the above examination and have nearly completed my assessment. However, some matters have arisen on which I would be grateful for your kind assistance and that of the Parish Council.

Firstly, a number of queries of a factual nature or matters on which I seek further clarification or information have arisen during my review of the NP. Subject to the satisfactory resolution of these issues, I do not consider at this stage that a hearing will be needed. It is not unusual at all for me to have a few queries or to ask for some further information so please reassure the Parish Council that this is quite 'normal'.

I would be most grateful if both Councils as appropriate would respond to these queries which are detailed in the attachment. I have sent you this in word format so that the answers may be easily added in to it if you so wish.

It would be very helpful to me if all the answers could be collated together and that just one bundle of responses is sent to me. [\[Note: See questions and collated responses starting on page 3 below\]](#)

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. I am however aware that both of us will not be in the office next week. I'd therefore like to suggest that you might be able to come back to me by close of business on Friday 7 June please to allow me to send a fact check report (assuming all being well) the following week.

In relation to the updates requests on planning applications, please just let me know the planning application number, the description of the proposal and whether permission has been granted or not or whether there is a resolution to grant and the date of any decision.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites. I anticipate you will forward this email on to the Parish without any delay.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kind regards Ann

Ann Skippers  
Ann Skippers Planning  
Chartered Town Planners

## 2. Response to Questions for clarification ... on the Stowupland NDP

**From:** Paul Bryant (BMSDC)  
**To:** Ann Skippers (cc. Botesdale & Rickinghall PC, Ian Poole (Places4people Ltd))  
**Dated:** 6 June 2019  
**Subject:** Response to Qstns of Clarification - Botesdale & Rickinghall NDP  
**Attach':** Response to Examination Qstns / B&R NO ZOI Map

Dear Ann

Thank you for your e-mail dated 22 May (copied below) and for the file attached.

As requested, we have worked with the Parish Councils and their consultant (Ian Poole) and I am now able to attach our collated response to your questions of clarification. You also remind us that your e-mail etc. are a matter of public record so I will arrange for these to be added to our Botesdale & Rickinghall NP webpage as soon as is practically possible.

As a courtesy to the Parish Councils, and to Ian, I am copying them in on this reply.

Should you have any further questions, please do not hesitate to contact us  
Kind regards

Paul Bryant  
N'hood Planning Officer | Planning for Growth  
Babergh & Mid Suffolk District Councils - Working Together

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### Botesdale & Rickinghall Neighbourhood Plan Examination

#### Questions of clarification from the Independent Examiner to the Parish Council and MSDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please could MSDC briefly confirm the latest position on the emerging Joint Local Plan?

**Response from MSDC:** The Babergh & Mid Suffolk Joint Local Plan (JLP) is still in preparation. At the time of writing, the JLP is undergoing viability and deliverability testing. The current timetable provides for a draft Regulation 18 version of the JLP to go to both Councils at the end of June for approval to be published for public consultation during summer 2019.

2. Please could MSDC confirm (or not) agreement to the housing figures put forward in the Plan and whether (or not) this will generally conform to the strategic housing needs requirements for the District based on the latest available information.

**Response from MSDC:** As noted above, the JLP is still in preparation and, therefore, it will not be possible to confirm a housing requirement for this Neighbourhood Plan area.

In our response at the Regulation 14 Pre-submission consultation stage (Dec 2018) we advised that it would not be possible to provide certainty on the likely housing requirement for

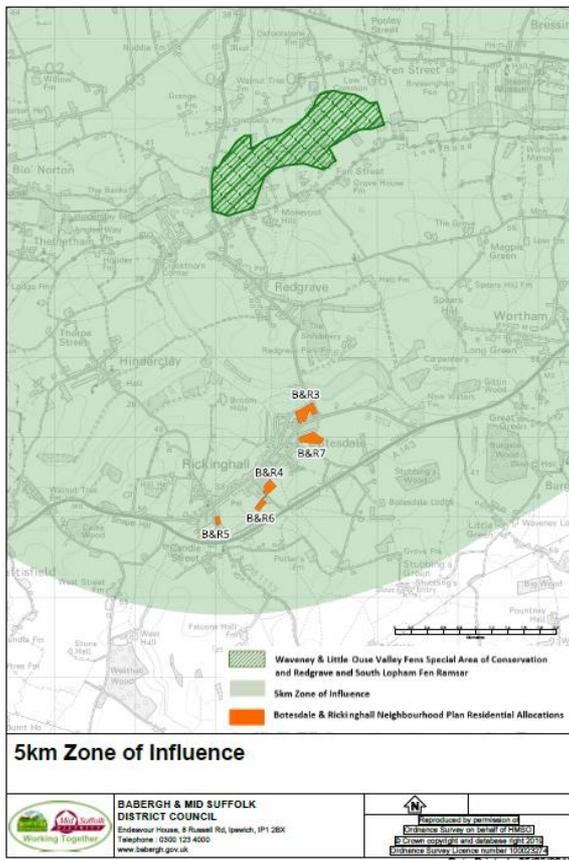
Botesdale and Rickinghall at that time but that we would continue to work with the parishes as closely as possible to ensure consistency between the Neighbourhood Plan and emerging JLP. We also advised that, given the quantum of the residual [housing] supply that still needed to be identified the District Council, we could not rule out possibility that an additional site or sites would need to be identified over and above those already allocated through the Neighbourhood Plan.

Our current view remains that a higher figure than that currently provided for in the Neighbourhood Plan cannot be ruled out.

3. The Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report indicates that the Plan area lies within the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fen Ramsar. The Screening Report explains that the site allocations do not fall within the ZOIs. Please provide a map/plan showing the ZOIs with the site allocations clearly identified in relation to the ZOIs.

**Response from MSDC:** In consultation with Place Services we have revisited the SEA / HRA Screening Report. We have also looked again at Magic Maps website (see link below) - *which provides accessible online geographic information about the natural environment* - and we have prepared our own map/plan as requested to show the relationship between the allocated sites and the ZOIs. A screen shot of the latter appears below with the original sent to you as a separate file.

[Link to: <https://magic.defra.gov.uk/magicmap.aspx>]



The map clearly shows that the site allocations do fall within the 5km ZOI, which is contra to what is stated in the Screening Report (i.e. Table 6, pg 23). We apologise for the oversight which can partly be explained by difficulties in interpreting Magic Map data around the Botesdale / Rickinghall area, and because there appears to be a lack of consistency in how it chooses to show the ZOIs. It is further considered that, while the allocated sites do fall within the ZOI, the scale and nature of the development proposed does not alter the original conclusion reached in the Screening Report, suffice to say that, the right hand column entries in Table should perhaps now read as follows:

*“The Plan allocations **are not** within the ZOI, **however, nor—does** residential development does not trigger consultation with Natural England.”*

[NB: The triggers are based on likely significant effects on designated sites hence the conclusion that a lack of consultation requirement relates to any effects being non-significant.]

We also note that, in their Screening Report consultation response, Natural England did not identify the above as an error or issue.

4. Should there be a comma between “historic, built and natural” in the vision?

**Response from Parish Councils:** We don’t believe that there should? The vision is seeking to protect the historic built environment.

5. In relation to the site allocations, subject of Policies B&R 3 – 7 inclusive, a number of queries arise:

- a. please confirm whether it is the ‘pink’ coloured areas the Plan seeks to allocate

**Response from Parish Councils:** It is confirmed that the sites identified in pink on the Inset Maps identify the extent of the housing allocations in the Neighbourhood Plan. It could be considered that the area on the Inset Map for Policy B&R7 is perhaps confusing as it identifies the extent of the housing development as well as a pink site boundary that includes the access road, balancing pond and open space. The Examiner may wish to consider whether it is appropriate to recommend amending wording to overcome possible confusion.

- b. please briefly update me on the latest position on any planning application / appeal on the sites which are wholly or partly subject to these policies

**Response from MSDC:**

<b>B&amp;R3</b>	<i>0460/17/OUT   Outline application for up to 40 dwellings with associated improvements to public footpaths, creation of public open space and provision of area of woodland to the Parish Council for use by Woodland Group, Primary School &amp; Pre-School   Land At Back Hills, Botesdale</i>  <ul style="list-style-type: none"> <li>• Outline planning permission granted July 2018</li> <li>• No Reserved Matters application has come forward to date</li> </ul>
<b>B&amp;R4</b>	<i>3858/16/OUT   Outline application for up to 42 new dwellings, supporting infrastructure and Access   Land adj Greenacres Garden, House Lane, Rickinghall Superior, IP22 1EA</i>  <ul style="list-style-type: none"> <li>• Outline planning permission granted November 2018</li> <li>• No Reserved Matters application has come forward to date</li> </ul>
<b>B&amp;R5:</b>	<i>DC/17/02657/OUT   Outline for 10no two storey dwellings, formation of new vehicular access to Rectory Hill and associated parking and landscaping.   Land at Rectory Hill, Rickinghall, IP22 1EZ</i>  <ul style="list-style-type: none"> <li>• Outline planning permission granted February 2018</li> <li>• No Reserved Matters application has come forward to date</li> </ul>
<b>B&amp;R6</b>	<i>2798/16/OUT   outline planning permission for demolition of existing garage and stores associated with builders yard and erection of 10 dwellings and associated garages with off-site associated highway works.   Land to rear of Willowmere, Garden House Lane, Rickinghall, IP22 1EA</i>

	<ul style="list-style-type: none"> <li>• Outline planning permission granted January 2018</li> <li>• No Reserved Matters application has come forward to date</li> <li>• An alternative proposal to construct 29 dwellings on this site was submitted in Nov 2015 but was subsequently withdrawn</li> </ul>
<b>B&amp;R7</b>	<p><i>DC/17/02760/OUT   Outline application (Access to be considered) – [for] up to 69 dwellings, open space and associated infrastructure   Land to South of Diss Road, Botesdale</i></p> <ul style="list-style-type: none"> <li>• Outline planning permission granted July 2018</li> <li>• No Reserved Matters application has come forward to date</li> </ul>

For more details on the above applications please enter the planning reference number into the search box at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

- c. please confirm how these sites were selected (as they do not appear to have been assessed by AECOM)

**Response from Parish Councils:** The sites allocated in the Plan (Policies B&R3 – B&R7 inclusive) were selected as they have the benefit of a recent planning permission that was granted since 1 April 2018 (the base date of the Plan).

- d. in relation to Policy B&R 3, please confirm whether the policy reflects the planning permission and if it differs, please explain the differences and the rationale for them

**Response from Parish Councils:** It is considered that the policy appropriately reflects the conditions of the planning permission reference 0460/17 dated 5 July 2018 and associated Section 106 agreement.

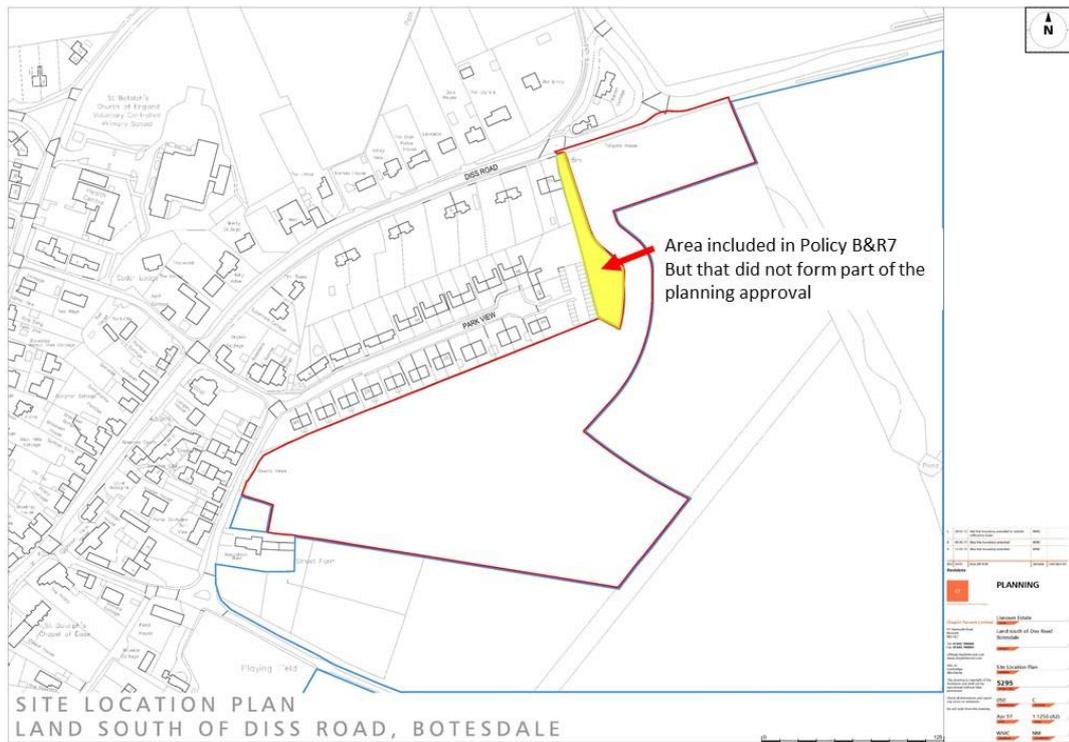
- e. please confirm that the illustrative layout referred to in paragraph 9.15 in relation to Policy B&R 4 does include the requirements set out in the policy in relation to footpath links and boundary planting

**Response from Parish Councils:** It is considered that the illustrative layout adequately identifies the footpath links on the north-west boundary of the site and the screen planting on the north-east and south-east boundary as referred to in Policy B&R4.

- f. in relation to Policy B&R 6, please check and confirm the site allocation shown and the access point is correct and whether or not it reflects the land with the benefit of planning permission

**Response from Parish Councils:** We are satisfied that the site allocation boundaries, including the access road, are correct and reflects the approved drawing referred to in the planning consent, as illustrated by the red line in the drawing below:





It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

With many thanks.  
Ann Skippers

**3. Further queries on Botesdale & Rickinghall NP**

**From:** Ann Skippers  
**To:** Paul Bryant (BMSDC), Ian Poole (Places4people Ltd), Botesdale & Rickinghall PC  
**Dated:** 17 June 2019  
**Subject:** Further queries on the Botesdale & Rickinghall NP from the Examiner  
**Attach':** *[As per subject above]*

Dear Paul, Ian and the Parishes,

Further to the responses received to my questions of clarification on the above Plan for which I am most grateful, I attach a note [\[see next page\]](#) which suggests further work on the SEA/HRA be carried out in the light of the factual error made in relation to these assessments together with an additional couple of queries which have arisen.

Once you have had a chance to digest this and discussed through together, please let me know what your preferred way forward would be and the likely proposed timetable for it.

An alternative way forward might be for me to recommend deletion of the site allocation policies, but I am assuming this would not be anyone's preference.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kind regards Ann

Ann Skippers  
Ann Skippers Planning  
Chartered Town Planners

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**4. re: Further queries on Botesdale & Rickinghall NP**

**From:** Ian Poole (Places4people Ltd)  
**To:** Ann Skippers (cc. Paul Bryant (BMSDC), Botesdale & Rickinghall PC)  
**Dated:** 28 June 2019  
**Subject:** Further queries on the Botesdale & Rickinghall NP from the Examiner

**5. re: Further queries on Botesdale & Rickinghall NP**

**From:** Paul Bryant (BMSDC)  
**To:** Ann Skippers (cc. Ian Poole (Places4people Ltd), Botesdale & Rickinghall PC)  
**Dated:** 1 July 2019  
**Subject:** Further queries on the Botesdale & Rickinghall NP from the Examiner

[\[See above responses embedded within copy of Examiners Note starting on the next page\]](#)

## **Botesdale & Rickinghall Neighbourhood Plan Examination - June 2019**

### **Further questions of clarification from the Independent Examiner to the Parish Councils and MSDC**

My thanks to both the Qualifying Body and MSDC for responding to my questions of clarification of 22 May 2019. There are two outstanding matters on which your further assistance is sought.

1. It is now established that all of the site allocations in the Plan fall within the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fen Ramsar. Unfortunately, the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report contains a factual error as it indicated that the site allocations did not fall within the ZOIs. Whilst I appreciate that all of the sites subject to the site allocation policies have now received planning permission, I consider it is necessary for this to be addressed.

Therefore the Screening Report and/or the Screening Determinations should be updated with the error corrected or redone. This could take the form of an addendum if desired, but the assessment needs to be redone. Further consultation with Natural England should then take place. Whilst it has been pointed out to me that Natural England did not pick up the error, in my view it would have been reasonable for Natural England to rely on information in these professionally prepared documents and simply because the error was not picked up at that juncture, it has now and is important to rectify.

Furthermore, although the responses to my queries indicate that residential development within the ZOIs does not trigger any need for consultation with Natural England, it is not clear to me what the ZOIs relate to or why this is the case as little detail is provided on any characteristics or pathways. The opportunity to remedy this should also be taken.

Once the documents have been corrected with new assessments, Natural England should be consulted, the error brought to their attention and a request for their view on whether SEA and HRA are needed in the light of these sites falling within the ZOIs obtained.

**Response from MSDC (1 July):** My apologies for the delay in responding formally to your e-mail of 17 June, specifically your Q1 which refers to the need for further work to be carried out on the SEA/HRA screening report. I see also that Ian Poole (on behalf of the parish councils) has responded separately to your other questions.

In separate conversation, I have advised you that we had asked Place Services to carry out a re-screening of this neighbourhood plan. That work has now been done and a new Screening Report was received at the end of last week (w/e 28 June). This includes an errata which acknowledges the error made. The report also concludes that the need for a SEA and/or HRA are again screened-out.

I have contacted all three statutory bodies (Natural England, Environment Agency, and Historic England) today to bring the error to their attention and to request a formal response to the revised screening report. The priority of course will be Natural England, but I am hopeful that we will have a written response from all three bodies sooner rather than later. Once received, I will update you again and arrange for our determination notices to be updated and re-issued

2. Should references to "Landscape Character Assessment" in the Plan be "Landscape Appraisal" (the document produced by Alison Farmer Associates)?

**Response from Parish Councils (28 June):** Yes

3. In relation to the Area of Local Landscape Sensitivity subject of Policy B&R 12, the policy refers to the Landscape Character Assessment, but there seems to be little in the Landscape Appraisal that identifies the landscape qualities of this proposed area? How should the policy be modified to address this point?

**Response from Parish Councils (28 June):** In Paragraph 6.2 of the Landscape Appraisal, the table that describes Peripheral Area 1: Redgrave Park describes that the area around Redgrave Park has “key elements including veteran infield trees, the serpentine lake and gatehouse off Hall Lane give rise to a recognisable parkland character” which is consistent with the original County Structure Plan qualities for the designation of this Special Landscape Area typology The designation of the areas as an Area of Local Landscape Sensitivity is therefore considered to be consistent with the parkland qualities.

4. The Landscape Appraisal and Proposals Maps refer to key views. There does not seem to be any policy that specifically refers to key views? Was the intention that Policy B&R 16 criterion a. would cover this?

**Response from Parish Councils (28 June):** Policy B&R16 e. iii states that [development proposals] should not affect adversely “identified important views into, out of or within the village as identified on the Policies Map”.

**Please inform me of the proposed timescales involved for the work on SEA/HRA to be completed.** It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this note is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites. With many thanks.

Ann Skippers  
17 June 2019

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**6. re: Updated Screening Report and Determination Notices NP**

**From:** Paul Bryant (BMSDC)  
**To:** Ann Skippers (cc. Ian Poole (Places4people Ltd))  
**Dated:** 25 July 2019  
**Subject:** B&R Re-screening: Updated Report & Det Notices  
**Attach':** SEA/HRA Screening Report (Jun 19), SEA Determination Notice (Jul 19), HRA Determination Notice (Jul 19)

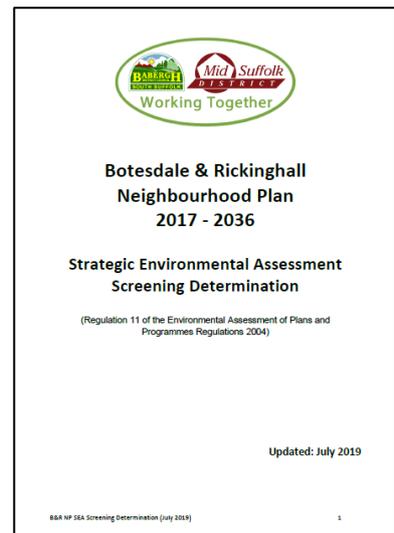
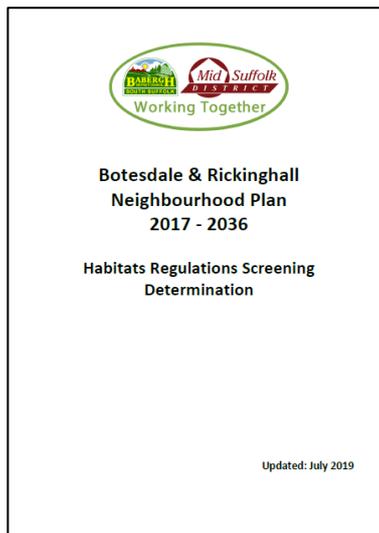
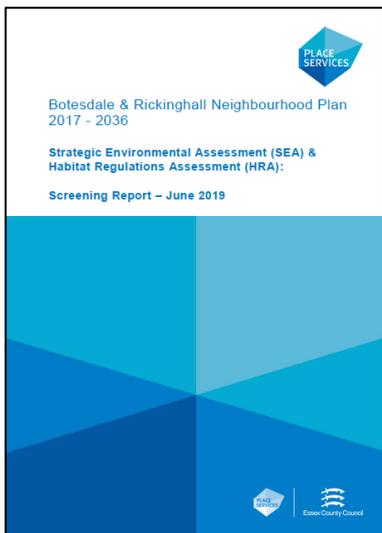
Dear Ann, (Ian)

[...] I have now prepared and published two new Determination Notices to accompany the revised Screening Report prepared by Place Services. Copies of all three documents are attached

All three documents have also been published on our [Bote-Rick NP webpage](#) under the SEA / HRA sub-heading which I have also updated to draw attention to the fact that these are amended documents. I have also added a watermark to the original Screening Report (Dec 2018) and Determination Notices (Jan 2019) to show that these have been updated should anyone come across them.

Kind regards

Paul Bryant  
N'hood Planning Officer | Planning for Growth  
Babergh & Mid Suffolk District Councils - Working Together



*[ Cover screen shots only. See e-mail above for webpage link to access these documents ]*