

Great Bealings Neighbourhood Plan Decision Statement

The Neighbourhood Planning (General) Regulations 2012 – part 5, paragraph 18

1. Summary

1.1 Following an independent examination, Suffolk Coastal District Council now confirms that the Great Bealings Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum subject to the modifications set out in section 3.

2. Background

2.1 Great Bealings Parish Council as the “qualifying body” successfully applied for Great Bealings Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The neighbourhood area was designated by Suffolk Coastal District Council on 29th October 2013.

2.2 The Great Bealings Neighbourhood Plan was published by Great Bealings Parish Council for pre-submission consultation (Regulation 14) in December 2015.

2.3 Following the submission of the Great Bealings Neighbourhood Plan (submission version) to Suffolk Coastal District Council, the plan was publicised and comments invited over a six week period which closed 31st August 2016.

2.4 Suffolk Coastal District Council, with the agreement of Great Bealings Parish Council appointed an independent examiner Mr Christopher Collison BA(Hons) MBA MRTPI MIED MCMI IHBC, to review the plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to referendum.

2.5 The Examiners Report concluded that subject to modifications identified in the report the Great Bealings Neighbourhood Plan should proceed to Referendum. The Examiner further recommends that the referendum area should be the same as the

designated neighbourhood area, which is the same as the administrative boundary for Great Bealings parish.

2.6 Following receipt of the Examiners Report, legislation requires that Suffolk Coastal District Council consider each of the modifications recommended, the reasons for them, and decide what action to take.

3. Decision and Reasons

3.1 Suffolk Coastal District Council, under powers delegated to the Head of Planning and Coastal Management in consultation with the Cabinet Member for Planning and Coastal *Management*, *has considered* each of the modifications recommended and concurs with the reasoning provided by the Examiner in his Report dated 7th November 2016. With the Examiner's recommended modifications, Suffolk Coastal District Council has decided (delegated decision dated 8th December 2016) that the Great Bealings Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and is compatible with the Convention rights and complies with provision made by or under Section 38A and 38B of the Planning and Compulsory Purchase Act 2004. As a consequence, Suffolk Coastal District Council will modify the Great Bealings Neighbourhood Plan accordingly, for it then to proceed to referendum.

3.2 The Council has considered the referendum area and has decided there is no reason to extend the neighbourhood area for the purposed of referendum. The Referendum area will be the same as the designated Neighbourhood Area covering the entire parish of Great Bealings.

3.3 The list of modifications and actions required are set out in the following table. As a consequence of these changes the Great Bealings Neighbourhood Plan (referendum version) has accordingly been re-formatted (paragraph numbers/page numbers, headers etc).

Examiners recommended modification (RM)	Reason for the change	Action by SCDC
<p>RM1</p> <p>The “Other Matters” Section of the Neighbourhood Plan should be clearly headed a “Non-Statutory Annex”</p>	<p>The Guidance states, <i>“Wider community aspirations that those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non –land use matters should be clearly identifiable. For example, set out in a companion document or annex”</i></p>	<p>Agree. Move and re-head section as indicated to accord with Guidance.</p>
<p>RM2</p> <p>Policy titles should be added to indicate content for example: Policy LP1 Landscape and biodiversity ; LP2 Locally important landscape areas; BE1 Design of development proposals BE2 Affordable housing development; BE3 Avoidance of flood risk; BE4 Non-designated heritage assets</p>	<p>The policy titles do not include any indication of content. Adding information on content offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.</p>	<p>Agree. Add policy titles to indicate content to accord with Framework.</p>
<p>RM3</p> <p>Replace Policy LP1 with:</p> <p>“To be supported development proposals, within settlement clusters or open countryside, must demonstrate, through appropriate landscape impact assessment and ecological evidence, that they protect and enhance landscape quality, biodiversity and geodiversity. Proposals must demonstrate they make best use of existing hedgerows and trees to screen</p>	<p>The Policy includes several references to other Policies and Plans . The recommended modification will make the Policy self-contained and offer a practical framework for decision making on planning applications as required by paragraph 17 of the Framework</p>	<p>Agree. Amend policy wording as recommended. Move final paragraph to Non-Statutory Annex</p>

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<p>development; minimise the fragmentation of habitats; and do not adversely affect a County Wildlife site or any Priority habitat and species.</p> <p>Proposals must not have any detrimental impact on the Special Landscape Area defined on the Map at Appendix 1. Within the Special Landscape Area development proposals must demonstrate loss of any tree or hedgerow cannot be avoided and in these circumstances, equivalent compensatory planting is undertaken. Loss of valuable, distinctive or specimen trees or deterioration of irreplaceable habitats will only exceptionally be supported where it is demonstrated the benefits of development clearly outweigh the loss”</p> <p>The final paragraph of the Policy should be transferred to the Non-Statutory Annex</p>		
<p>RM4</p> <p>Replace Policy LP2 with:</p> <p>“Landscape Protection Areas are designated in the 5 areas defined on the Map at Appendix 1 in which residential development will be limited to one to one replacement of an existing dwelling where there is no loss of hedgerows or trees, or sub-division of an existing dwelling where there is demonstrated need. To be supported</p>	<p>The Policy includes several references to Policies elsewhere. The Policy should be self-contained and not refer to other policies so as to offer a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.</p>	<p>Agree. Replace LP2 with recommended revised wording.</p>

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<p>proposals must demonstrate no harm to the landscape setting.</p> <p>Areas to be protected from any development are designated in the areas defined on the Map at Appendix 1 in order to maintain important gaps and spaces and avoid coalescence of built areas”</p>	<p>The Policy includes the term “<i>will be expected to</i>” without explanation of the implications of the expectation not being met.</p> <p>The term “<i>Like for like</i>” without expansion to explain the characteristics concerned is imprecise. The references to “<i>sustainable development</i>” and to “<i>larger dwelling</i>” are imprecise. Reference to permitted development rights is unclear. There are mechanisms to remove or modify permitted development rights but the Policy does not do that. I have taken into consideration the fact the relevant strategic policy, SP28 -Other Villages, uses the term “<i>one to one</i>”.</p>	
<p>RM5</p> <p>Amend Policy BE1 as follows:</p> <ul style="list-style-type: none"> • After “respect” insert “and enhance” • Delete “appropriate” and insert “available and suitable” • Delete the second sentence • After “all development” delete “will” and insert “must” • Delete “Be sustainable in its design and construction” 	<p>The use of the term “where appropriate” introduces uncertainty. The term “unique” is not adequately explained or justified whereas the use of the description “important” would provide a basis for decision making. The terms “reflect available opportunities” and “quality of the surrounding land” and “be sustainable in its design and construction” are imprecise. It is unclear what the term “this requirement” is referring to. Use of the</p>	<p>Agree. Amend policy as recommended.</p>

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<ul style="list-style-type: none"> • Delete “unique” and insert “important” • Delete the final bullet point. 	<p>word “must” rather than “will” establishes a clear policy requirement. I have recommended a modification so that the Policy offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework. The deletion of reference to “construction” is also consistent with Government advice. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”.</p> <p>81. The final bullet point of the Policy refers to “all relevant guidance and development management policies issued by SCC or SCDC; in particular, DM3, DM6, DM21, DM24, and DM28.” The Policy should be self-contained and not refer to other policies. Use of the term “relevant”</p>	

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	<p>introduces uncertainty and the phrase “all relevant guidance and development management policies issued by SCC or SCDC” is imprecise. The Policy does not offer a practical framework for decision making on planning applications as required by paragraph 17 of the Framework. I have recommended a modification to delete the final bullet point of the Policy</p>	
<p>RM6 Amend policy BE2 as follows:</p> <ul style="list-style-type: none"> • After “indicated by the” insert “latest” • Delete “carried out in the context of the plan” • Delete the fourth bullet point • Relocate the fifth bullet point to the general text supporting the Policy. 	<p>The Policy refers to “the Parish Council”. The Policy will however, if part of a made plan, be used by other parties in the determination of planning applications. It is intended the Policy will be part of the Development Plan and realisation of the Policy should not be dependent on third parties. I have recommended a modification to delete the reference to the Parish Council.</p> <p>The Policy refers to “the Housing Needs survey carried out in the context of the Plan”. The Policy should be capable of enduring through the entire Plan period. I recommend a modification to refer to the latest Housing Needs survey.</p> <p>The Policy refers to “all other policies in</p>	<p>Agree. Amend policy as recommended for each bullet point. Move fifth bullet point to supporting text. In addition amend wording to delete reference to Parish Council as indicated in paragraph 84 of the Examiners Report.</p> <p>Revised policy to read:</p> <p>“A proposal for a small scale affordable housing development, the potential need for which was indicated by the latest Housing Needs Survey will be supported provided that:</p> <ul style="list-style-type: none"> • The proposal contributes to meeting the affordable and social rented needs of people with a local connection; • Its use will be governed by an

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	<p>the Plan”. Cross referencing of this nature is unnecessary as all policies of the Plan apply throughout the Plan area unless some part of the Plan area is specified. The Policy refers to “relevant SCDC and national policies and sustainable development principles”. I have recommended a modification to delete these references so that the Policy offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.</p> <p>The Policy refers to consultation. The reference to “in the area proposed for the development” is imprecise. The reference to consultation is an action and does not relate directly to the use and development of land. I have recommended the condition relating to consultation should be deleted from the Policy and re-positioned to the general supporting text. The Framework does in any case state, Local Planning Authorities “should, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting applications”. There is no need</p>	<p>appropriate Section 106 Agreement; and</p> <ul style="list-style-type: none"> • The development is outside any Landscape Protection Area.”

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<p>RM7 Amend Policy BE3 as follows:</p> <ul style="list-style-type: none"> • Delete “meet the requirements of SCDC Policy DM28, so as to” • Delete “(such as roads)” and insert “or roads” • Delete “where appropriate, incorporates” and insert “incorporate” • Delete the fourth bullet point and preceding word “and” 	<p>to repeat this advice in the Policy.</p> <p>The Policy includes the terms “such as” and “where appropriate” which introduce uncertainty. The Policy refers to “the requirements of SCDC Policy DM28” and “meet the requirements of LP1 and LP2 (above)”. Cross referencing of this nature is unnecessary and does not offer a practical framework for decision making on planning applications as required by paragraph 17 of the Framework. I have recommended a modification in these respects.</p>	<p>Agree. Amend policy as recommended.</p>
<p>RM8 Amend Policy BE4 as follows:</p> <ul style="list-style-type: none"> • replace the first part of the Policy up to “replace” with “Development proposals affecting any non-designated heritage asset listed in Appendix 3 (which will be subject to periodic review and potential update) must include: • a Heritage Statement detailing the potential impact of the proposal on the significance of the asset, and • a statement of justification for the scale of any harm or loss, together with details of any mitigation measures proposed.” 	<p>The Policy does not have sufficient regard for the Framework which requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. The Framework also states “in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. I have recommended a modification so that the Policy has sufficient regard to national policy.</p> <p>The Policy refers to “complying with all</p>	<p>Agree. Amend policy as recommended</p>

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<ul style="list-style-type: none"> • delete “in addition to complying with all other relevant policies in the Plan” • replace “complies with all relevant SCDC policy” with “will include high quality design characteristics that reflect the distinctive nature of the heritage asset lost” • delete “incorporates sustainability features” • delete “and the design guidance set out in the Plan” 	<p>other relevant policies in the Plan” introducing uncertainty as to which policies are relevant, and unnecessarily cross-referring to other policies. The Policy includes the imprecise terms “incorporates sustainability features” and “the design guidance set out in the Plan”. I have recommended a modification in these respects so that the Policy offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.</p>	

The Council further agrees with the Examiners conclusions as set out in paragraph 97 of his report in which he states:

“I am satisfied that the Neighbourhood Plan is compatible the Convention rights and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions.....”

Cllr Tony Fryatt
 Cabinet Member with Responsibility for Planning

Dated: 8th December 2016

