

Great Bealings Parish Council

Great Bealings Neighbourhood Development Plan

A Report to Suffolk Coastal District Council of the Independent
Examination of the Great Bealings Neighbourhood
Development Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

7 November 2016

Contents

Page

Overall Finding	3
Neighbourhood Planning	4
Independent Examination	4
Basic Conditions and other statutory requirements	6
Documents	9
Consultation	10
The Neighbourhood Plan taken as a whole	13
The Neighbourhood Plan policies	22
Policies relating to the Landscape and Biodiversity:	
Policy LP1	
Policy LP2	
Policies relating to the Built Environment	
Policy BE1	
Policy BE2	
Policy BE3	
Policy BE4	
Summary of main findings and Referendum	32
Annex: Minor corrections to the Neighbourhood Plan	33

Overall Finding

This is the report of the Independent Examination of the Great Bealings Neighbourhood Development Plan. The Plan area is the entire Great Bealings Parish area. The Plan period runs until 2026. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum based on the Plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Great Bealings Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Great Bealings Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Great Bealings Neighbourhood Area which was formally designated by the District Council (the Local Planning Authority) on 29 October 2013.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement, and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area

¹ Paragraph 183 National Planning Policy Framework (2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.

7. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Neighbourhood Plan examiner. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

³ National Planning policy Framework paragraph 198 DCLG 2012

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

9. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Guidance states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*” The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

11. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸
12. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
13. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.
14. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 29 October 2013. Paragraph 1.2 of the Submission Version of the Neighbourhood Plan confirms the Plan area is defined as the whole Great Bealings Parish boundary. A map showing the Neighbourhood Plan Area is included as Appendix 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
15. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B (1)(b) Planning and Compulsory Purchase Act 2004

16. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ Paragraph 1.8 of the Submission Version of the Neighbourhood Plan confirms the Plan is intended to have a life of 10 years. It would be desirable for the Plan period “Up to 2026” to be printed on the Plan front cover, however as this is not necessary to meet the Basic Conditions I have not recommended a modification in this respect.
17. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
18. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
19. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
20. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

Documents

21. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Great Bealings Submission Draft Neighbourhood Development Plan 'A Village in a Landscape' March 2016
- Great Bealings Neighbourhood Plan 'A Village in a Landscape' Basic Conditions Statement
- Great Bealings Neighbourhood Plan 'A Village in a Landscape' Submission Overview Statement
- Great Bealings Neighbourhood Plan 'A Village in a Landscape' Consultation Document March 2016
- Great Bealings Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Screening Determination a copy of which I received on 3 November 2016
- Representations received during the Regulation 16 publicity period
- Suffolk Coastal Local Plan remaining Saved Policies July 2013
- List of Saved Policies to be saved until superseded by Neighbourhood Plans-extract from hearing Statement August 2016
- Information Statement from Suffolk Coastal District Council to independent examiners
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- The Environmental Assessment of Plans and Programmes Regulations 2004
- The Conservation of Habitats and Species Regulations 2010
- The Neighbourhood Planning (General) Regulations 2012
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
[*The last three named are referred to as the Regulations in this report*]

Consultation

22. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which details the process undertaken in the preparation of the Neighbourhood Plan. I outline here a number of the main stages of consultation in order to acknowledge the comprehensive and inclusive approach adopted.
23. A Housing Needs Survey was commissioned in January 2013 with the results submitted to the Parish council in March 2013. A public meeting was held over two days in June 2013. Publicity was achieved through use of noticeboard; circulation of an inset in the Parish magazine which is circulated to all residents; notification to businesses and landowners; and contact with neighbouring parishes. 45 people attended and viewed extensive presentation material. Comprehensive comments and suggestions were lodged. A key recommendation was that Suffolk Wildlife Trust should be asked to prepare a survey of environmental features. The subsequent report received in January 2014 along with other comments submitted helped shape a detailed questionnaire. An update was presented at the Annual Parish meeting in May 2014.
24. The questionnaire was advertised in the Parish Magazine and hand delivered to all residents as well as businesses and farmers active within the Parish. A response rate of 65% was achieved. An analysis of responses was presented to the Parish Council in July 2014, and along with an approach to the draft Plan, at a second public meeting in September 2014.
25. A further update on progress, key issues, and the basis of the emerging plan were presented at the Annual Parish meeting in 2015. The basis of the proposed policies was presented at a third public meeting held in October 2015.
26. Pre-submission consultation in accordance with Regulation 14 was undertaken in the eight-week period 1 December 2015 to 21 January 2016. Publicity included a letter hand delivered to every address; a notice in the Parish magazine, and emails to businesses and farmer, and neighbouring parishes. A total of 5 comments were submitted during this period. Appendix 10 of the Consultation Statement sets out comments received; the Parish Council proposed action; and where appropriate, amendments to the Neighbourhood Plan.
27. The final draft of the Neighbourhood Plan was approved by the Parish

Council on 29 March 2016 and has been submitted to the District Council. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 15 July and 31 August 2016. A total of 5 representations were submitted, which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.

28. Anglian Water confirm it has no comments to make. The Environment Agency confirm the Plan is compliant and satisfactorily addresses constraints within their remit. National Grid has identified 3 high pressure gas distribution pipelines within the Neighbourhood Plan area and confirm these do not interact with any proposed development sites. Another representation states *“I will be making representations. I own a good deal of the land being referred to within the plan and am attempting to develop a cottage on the land in order that I may live there. The draft neighbourhood plans have been altered a number of times in a way that is clearly designed to frustrate my development plans. The wider objectives of the plan are noble, but it is being used to further the personal objectives of a few.”* These representations do not raise issues requiring modification of the Neighbourhood Plan in order to meet the Basic Conditions.

29. A further representation objects to *“restrictions on landowners detailing what they can and cannot do with their land”* and states *“I do not believe that it is appropriate to impose further restrictions over and above those that are already in place through statutory measures.”* The representation suggests the Plan should confirm discussions will be held with owners of the land in order to encourage the aim of building ecological networks across Suffolk. It is not within my role to recommend additional areas of policy. The representation also states disagreement with several aspects of the Plan, including:

- creation of a conservation plan to protect the landscape;
- the blanket ban on development in flood risk areas;
- additional recognition and protection of local heritage assets;
- additional designation of landscape protection areas, in particular any land forming part of the Grundisburgh Estate;
- the presumption against demolition of non-designated heritage assets;
- protection of villages when evolution and sustainability dictate otherwise;
- additional tree preservation and hedgerow protection designations;

- protection from development at Lodge Road, Rosery Lane, and the two areas at the bottom of Boot Street effectively strangling village expansion;
- the requirement in Policy BE2 for a clear majority of people living in the immediate area to support an affordable housing plan;
- restriction on change of identified non-designated heritage assets in Policy BE4, and in particular objection to Hill Farm off the Grundisburgh Road being included in the schedule of non-designated heritage assets.

30. In respect of this representation I have noted national policy recognises that achieving sustainable development will involve several dimensions that include requiring good design; meeting the challenge of flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Aspects of national policy relate to: protecting and enhancing valued landscapes; applying a balanced judgement regarding scale of harm and significance of non-designated heritage assets; shaping and directing development; avoiding increased vulnerability to flood risk; avoiding loss of veteran trees; conserving and enhancing biodiversity; and encouraging engagement with local communities in preparing development proposals. It is envisaged neighbourhood plans can add an additional level of detail or a distinct local approach to such matters so long as the policy is appropriate having regard to national policy and advice issued by the Secretary of State, and so long as Development Plan strategic policy is not undermined. Subject to the modifications I have recommended I find the Neighbourhood Plan is appropriate having regard to these aspects of national policy, and the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area. I have considered matters raised in this representation as appropriate when preparing the section of my report that examines the Neighbourhood Plan taken as a whole, and the section of my report that examines the policies of the Neighbourhood Plan.

31. In a consultation, Government had put forward a question as follows *“Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?”* The published Government response to the consultation states *“We do not intend to take forward the proposals*

*to introduce a new basic condition...*¹⁸ The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –

- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) Explains how they were consulted;
- c) Summarises the main issues and concerns raised by the persons consulted; and
- d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹

32. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group that has prepared the plan has taken great care to ensure stakeholders have had considerable opportunity to influence the plan content.

The Neighbourhood Plan taken as a whole

33. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

¹⁸ Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

34. The Basic Conditions Statement states *“It is considered that the Plan is compatible with the EU Convention on Human Rights.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁰ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
35. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or where it has been determined under those Regulations²¹ that the Plan is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment) a statement of reasons for the determination.
36. The objective of EU Directive 2001/42²² is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²³ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁴
37. The Basic Conditions Statement states *“It is not considered that a Strategic Environmental Assessment is needed because:*
- *The Great Bealings Neighbourhood Plan (the Plan) adds detail to SCDC’s adopted core strategy and supporting policies, which have already been subject to a Strategic Environmental Assessment and a Habitats Regulations Assessment.*

²⁰ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²¹ A determination under regulation 9(1) of those Regulations

²² Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²³ Defined in Article 2(a) of Directive 2001/42

²⁴ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

- *The Plan does not allocate land for development because the designated plan area is categorised as an ‘Other Village’ under policies SP19 and SP28 of SCDC’s adopted Local Plan. That means that it has no local services and therefore lacks the infrastructure that would support a requirement to set aside land for housing or other development. It is considered to be part of the countryside.*
- *The Plan is otherwise compliant with SCDC’s adopted Local Plan and thus considered to be in compliance with relevant EU regulations”.*

38. The District Council issued a Strategic Environmental Assessment and Habitats Regulations Screening Determination, a copy of which I received on 3 November 2016, that concluded the Neighbourhood Plan “*does not allocate land for built development and applies to a very localised area. The design and environmental policies implement strategic policies in the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies (adopted July 2013) which has been subject to Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. The policies identify and support local environmental assets and qualities including the identification of non-designated heritage assets within its area. It is considered by Suffolk Coastal District Council in consultation with the Environment Agency, Historic England and Natural England that the content of the plan is such that it will not be necessary to undertake SEA or HRA in order to ensure compliance with EU obligations.*” The Screening Determination includes, as an Appendix, copies of responses from the Statutory Consultees. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met. I also conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

39. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

40. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations

- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

41. The Guidance²⁵ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

42. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁶ which requires plans to be “*consistent with national policy*”.

43. Lord Goldsmith has provided guidance²⁷ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a

²⁵ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

²⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁷ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 October 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 October 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

44. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. Reference is made to paragraphs 28, 43, 50, 56-58, 114, 117 and 183-185 of the Framework.
45. The Neighbourhood Plan includes a vision set out as a ‘Mission Statement’ that includes enhancing the special character of the village, and a strapline that links the village to its landscape. It is stated the relationship between the landscape and the buildings that sit within it forms the core of the Plan. The Mission Statement is underpinned with six objectives to be pursued to deliver the Mission Statement for the Plan area. The objectives have emerged through community engagement. The Neighbourhood Plan states the policies are constructed to as to give effect to these objectives.
46. I have noted the Submission Plan document includes an “Other Matters” section. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. The intended actions and in particular partnership working are without doubt highly desirable and will be key success factors in the positive transformation of the neighbourhood area over the Plan period. The Guidance states, “*Wider community aspirations than 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 recommend a modification in accordance with the Guidance so that the actions in question included in the “Other Matters” Section of the Neighbourhood Plan are clearly headed as “Non-Statutory Annex”. In this way, these important actions are not lost sight of, but are appropriately presented.

Recommended modification 1:

The “Other Matters” Section of the Neighbourhood Plan should be clearly headed a “Non-Statutory Annex”

47. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
48. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am

satisfied that need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*"

49. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁸ The Guidance states, "*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*"²⁹.
50. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
51. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement states that as an 'other village' in strategic policy terms, with no local services that would support a requirement to set aside land for housing or other development, it is considered to be part of the countryside. This has led to policies designed to protect and enhance the natural environment and context of the village,

²⁸ Paragraph 14 National Planning Policy Framework 2012

²⁹ National Planning Practice Guidance (Ref ID:41-072-20140306)

recognising the built character of the village in relationship to that setting, and adding supportive local detail to Local Plan policies.

52. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. The Neighbourhood Plan seeks to contribute to sustainable development by:

- Directing development to sites that will not have a detrimental landscape or biodiversity impact;
- Avoiding development of higher flood risk areas and requiring development to incorporate features that avoid adding to flood risk;
- Supporting sub-division of existing larger dwellings where there is a demonstrated local need;
- Encouraging re-use of land that has been previously developed;
- Adopting a flexible approach to the location of possible delivery of affordable housing that is supported by proven local housing needs;
- Requiring good quality design in new developments;
- Seeking to retain non-designated heritage assets.

53. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and it is therefore appropriate to make the plan. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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 (or any part of that area)

54. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.³⁰ “*Neighbourhood plans must be in general conformity with the*

³⁰ Paragraph 16 National Planning Policy Framework 2012

*strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*³¹

55. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³²

56. In this independent examination, I am required to consider whether 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 (or any part of that area). The District Council has informed me that the Development Plan applying in the Great Bealings neighbourhood area and relevant to the Neighbourhood Plan comprises the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining ‘Saved Policies’ (July 2013). The District Council has informed me all the Core Strategy and Saved Policies are strategic policies.

57. The District Council is at an advanced stage of preparing a Site Allocations and Area Specific Policies Document that will provide a number of site specific policies and requirements to guide future growth and development. The document is now at Main Modifications consultation stage with adoption anticipated in January 2017. Once adopted the Site Allocations and Area Specific Policies Document will be a subsidiary Local Plan document intended to implement the Core Strategy but at present it does not form part of the Development Plan. At the point of the Proposed Submission consultation on the ‘Site Allocations and Area Specific Policies Document’ good progress had been made in the preparation of the Neighbourhood Plan which was seen to be covering a comprehensive range of policy issues and therefore the decision was taken that the Site Allocations and Area Specific Policies Document would not cover the Neighbourhood Area.

³¹ Paragraph 184 National Planning Policy Framework 2012

³² National Planning Practice Guidance (ID: 41-04720 140306)

58. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.

59. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, to introduce a degree of flexibility.*”³³ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

60. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”³⁴

61. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.³⁵

62. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the

³³ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³⁴ National Planning Practice Guidance (ID ref: 41-074 201 40306)

³⁵ Section 38(5) Planning and Compulsory Purchase Act 2004

development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole. It is not necessary to demonstrate an absence of tension between each policy of the Neighbourhood Plan and each strategic policy of the Development Plan. I have concluded the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

63. The Neighbourhood Plan includes 6 policies as follows:

Policies relating to the Landscape and Biodiversity:

Policy LP1

Policy LP2

Policies relating to the Built Environment:

Policy BE1

Policy BE2

Policy BE3

Policy BE4

64. The policy titles do not include any indication of content. I recommend a modification in this respect so that the Neighbourhood Plan offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.

Recommended modification 2:

Policy titles should be added to indicate content, for example:

Policy LP1 Landscape and biodiversity

Policy LP2 Locally important landscape areas

Policy BE1 Design of development proposals

Policy BE2 Affordable housing development

Policy BE3 Avoidance of flood risk

Policy BE4 Non-designated heritage assets

65. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁶
66. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
67. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*
68. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*³⁷
69. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy in detail:

³⁶ Paragraphs 184 and 185 National Planning Policy Framework 2012

³⁷ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

Policies relating to the Landscape and Biodiversity:

Policy LP1

70. This policy seeks to ensure development proposals protect and enhance the special landscape qualities and the biodiversity of the area.
71. The Policy includes several references to other Policies and Plans. I have recommended modification so that the Policy is self-contained and offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.
72. The final paragraph of the Policy relates to preferred consultation procedure in respect of permitted development proposals. This is not a matter that can be the subject of a neighbourhood plan policy as it does not relate directly to the development and use of land and as such cannot serve a role in the determination of planning applications. I have recommended this part of the Policy should be transferred to the “Other Matters” section of the document that I have earlier in my report recommended should be clearly labelled as a “Non-statutory Annex”.
73. The Policy includes several provisions relating to hedgerows. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals. Whilst hedgerows may include or comprise shrubs, extension of the scope of the policy to refer to individual shrubs is inconsistent with the presumption in favour of sustainable development. The Policy wording in respect of trees and hedgerows includes the terms “*may be regarded*” and “*presumption in favour*” and “*reviewed on its merits*” and “*adequate*” that are imprecise. I have recommended modifications so that the Policy offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.
74. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining ‘Saved Policies’ (July 2013). The policy has regard to the components

of the Framework concerned with requiring good design; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 3:

Replace Policy LP1 with:

“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 development; minimise the fragmentation of habitats; and do not adversely affect a County Wildlife site or any Priority habitat and species.

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”

The final paragraph of the Policy should be transferred to the Non-Statutory Annex

Policy LP2

75. This policy seeks to establish 5 Landscape Protection Areas in which new development will be limited to replacement of existing dwellings on a like for like basis including trees and hedgerows, and sub-division of larger dwellings where local need is demonstrated. Proposals are required to demonstrate they protect and enhance the Landscape Protection Area. The Policy also identifies Areas to be Protected from Development within four of the Landscape Protection Areas.

76. 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. The Policy includes the term “*will be expected to*” without explanation of the implications of the expectation not being met.

77. The term “*Like for like*” without expansion to explain the characteristics concerned is imprecise. The references to “*sustainable development*” and to “*larger dwelling*” 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 “*one to one*”.

78. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining ‘Saved Policies’ (July 2013). The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 4:

Replace Policy LP2 with “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 proposals must demonstrate no harm to the landscape setting.

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”

Policies relating to the Built Environment:

Policy BE1

79. This policy seeks to establish requirements that development proposals should satisfy with respect to design and impact on setting.
80. 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 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*”.
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*” 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.
82. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining

'Saved Policies' (July 2013). The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 5:

In Policy BE1

- **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;”**
- **delete “unique” and insert “important”**
- **delete the final bullet point**

Policy BE2

83. This policy seeks to establish support for a small scale affordable housing development meeting local housing need.

84. 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.

85. 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.

86. The Policy refers to *“all other policies in 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.

87. 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 to repeat this advice in the Policy.

88. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining ‘Saved Policies’ (July 2013). The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality home, and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 6:

In Policy BE2

- **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**

Policy BE3

89. This policy seeks to establish that development should minimise flood risk and not impede existing surface water run-off.

90. 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.

91. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining 'Saved Policies' (July 2013). The policy has regard to the components of the Framework concerned with requiring good design; and meeting the challenge of climate change and flooding. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 7:

In Policy BE3

- **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”**

Policy BE4

92. This policy seeks to establish a presumption in favour of retention of a Non-Designated Heritage Asset and specifying conditions to be met when full or partial demolition of such a building is proposed.

93. 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.

94. The Policy refers to *“complying with all 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.

95. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan, the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies (July 2013) and the Suffolk Coastal Local Plan remaining 'Saved Policies' (July 2013). The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 8:

In Policy BE4

- **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.”**
- **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”**

Summary of main findings and Referendum

96. I have recommended 8 modifications to the Submission Version Plan and also made a recommendation of modification in the Annex below.

97. I am satisfied that the Neighbourhood Plan³⁸:

- is compatible with 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:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³⁹

I recommend to Suffolk Coastal District Council that the Great Bealings Neighbourhood Development Plan for the plan period up to 2026 should, subject to the modifications I have put forward, be submitted to referendum.

³⁸ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

³⁹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

98. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁰ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by The District Council as a Neighbourhood Area on 29 October 2013.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴¹

The map at Appendix 1 should refer to the Neighbourhood Plan Area not a proposed area.

Paragraph 3.5 to 3.9 on pages 14 and 15 should be re-numbered.

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 9:
Identified errors should be corrected, and modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
7 November 2016
REPORT ENDS

⁴⁰ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴¹ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990