

# Responses to Kesgrave Neighbourhood Plan

Regulation 16 Publicising a Neighbourhood Plan

Publicity period: 24 January to 6 March 2020

Published March 2020



# Responses

<b>Anglian Water.....</b>	<b>1</b>
<b>East Suffolk Council.....</b>	<b>2</b>
<b>Environment Agency.....</b>	<b>4</b>
<b>Gladman.....</b>	<b>6</b>
<b>Grainger PLC (Turnberry).....</b>	<b>12</b>
<b>Highways England.....</b>	<b>35</b>
<b>Historic England.....</b>	<b>36</b>
<b>Martlesham Parish Council.....</b>	<b>37</b>
<b>National Grid (Avison Young).....</b>	<b>38</b>
<b>Natural England.....</b>	<b>40</b>
<b>Sport England.....</b>	<b>44</b>
<b>Suffolk County Council.....</b>	<b>46</b>
<b>WO and PO Jolly and The Kesgrave Covenant Ltd (Howes Percival LLP).....</b>	<b>49</b>

# What is the purpose of this document?

Kesgrave Town Council submitted their Neighbourhood Plan to East Suffolk Council ahead of it being submitted for independent examination.

East Suffolk Council publicised the Plan and invited representations to be forwarded to the examiner for consideration alongside the Plan.

This document contains all representations received during the publicity period of 24<sup>th</sup> January to 6<sup>th</sup> March 2020.

# Anglian Water

## Kesgrave Neighbourhood Plan - whole plan

Thank you for the opportunity to comment on the Kesgrave Neighbourhood Plan. Anglian Water previously commented on the Kesgrave Pre-submission Neighbourhood Plan. We note that a number of changes have been following the previous consultation. The policies of the Neighbourhood Plan as amended do not appear to raise any issues for Anglian Water as a water and sewerage company. As such we have no further comments to make on the Neighbourhood Plan.

# East Suffolk Council

## Kesgrave Neighbourhood Plan Regulation 16 Publication

We have worked to support the development of the Kesgrave Neighbourhood Plan and consider that we have developed a positive working relationship and constructive dialogue with representatives of the Neighbourhood Plan Sub-Committee. We commend the strong progress they have made with their plan.

The Council submitted comments as part of the Regulation 14 consultation in September 2019. We are satisfied that many of our comments have been addressed, as detailed in the submitted Consultation Statement, and that other than in relation to Policy KE1 (as explained in the paragraph below) the Council is of the opinion that the Neighbourhood Plan is in general conformity with the relevant policies of the Local Plan covering the former Suffolk Coastal area.

The Council would however wish to make the Examiner aware that, in relation to Policy KE1 'Infill and Residential Garden Development', we remain concerned that by providing a blanket resistance to residential development in gardens the policy will not help to support the delivery of housing in a positive manner. Policy KE1 also seeks to resist the development of annexes in rear gardens. Such opportunities can help to meet housing needs and are currently provided for by policies contained in the Local Plan subject to certain criteria. Policy SCLP12.1 Neighbourhood Plans' in the Final Draft Suffolk Coastal Local Plan (January 2019) is clear that housing requirements set out for Neighbourhood Plan areas are minimum requirements, and in line with the overall strategy for the Local Plan area the Council would expect Neighbourhood Plans to enable appropriate housing development to take place.

The Council is of the view that, as written, Policy KE1 does not reflect the intentions of paragraph 70 of the National Planning Policy Framework which enables plans to set out policies to resist development in residential gardens where it is inappropriate. Whilst Policy SCLP5.7 'Infill and Garden Development' of the emerging Suffolk Coastal Local Plan enables Neighbourhood Plans to set their own policies on this type of development in response to local circumstances, this should be viewed within the context of the supporting text to the policy which identifies certain circumstances within which such development may be inappropriate.

Revisions to the policy to set out a criteria-based approach to the consideration of residential development in gardens and annexes in gardens, could help to bring it into general conformity with the relevant strategic policies and support appropriate housing delivery. It may be appropriate to achieve this through an amendment to criterion (a) of Policy KE1 to incorporate policy for new dwellings and annexes in residential gardens, in place of criterion (b).

The Council has, in drafting this response, also identified a small number of potentially minor matters which it is considered should be rectified. Whilst the text within the

Neighbourhood Plan refers to Settlement Boundary (which is the term used within the emerging Suffolk Coastal Local Plan) the Policies Map (on page 49 of the Submission Neighbourhood Plan) refers to the Physical Limits (which is the term used within the adopted Local Plan). It is considered that this should be corrected for clarity and consistency with the emerging Local Plan. Further the key to the Policies Map does not contain reference to the Non-Designated Heritage Asset labelled 'G' (Cedarwood Walk Sculptures). Finally, Policy KE2 'Residential Uses in Kesgrave District Centre' contains reference to 'Local Centre' within the text of the Policy, it is considered this should refer to 'District Centre'.

The emerging Suffolk Coastal Local Plan is well advanced and is currently progressing through Examination. The Council would be pleased to advise the Examiner of any relevant progress or outcomes as the examination of the Neighbourhood Plan progresses.

Please note that these comments are given without prejudice to any future decisions that the Council may make.

# Environment Agency

## KESGRAVE NEIGHBOURHOOD PLAN PUBLIC CONSULTATION

Thank you for your letter relating to the Kesgrave Neighbourhood Plan. We have assessed the draft Neighbourhood Plan as submitted and our letter contains our response and information in relation to environmental issues that should be considered during the development of the Neighbourhood Plan.

Our principal aims are to protect and improve the environment, and to promote sustainable development, we:

- Act to reduce climate change and its consequences
- Protect and improve water, land and air
- Work with people and communities to create better places
- Work with businesses and other organisations to use resources wisely

You may find the following two documents useful. They explain our role in in the planning process in more detail and describe how we work with others; they provide:

- An overview of our role in development and when you should contact us.
- Initial advice on how to manage the environmental impact and opportunities of development.
- Signposting to further information which will help you with development.
- Links to the consents and permits you or developers may need from us.

Our role in development and how we can help:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289894/LIT\\_2745\\_c8ed3d.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf)

### **Contaminated Land: risk to the water environment**

A large part of the Kesgrave Neighbourhood area falls over Source Protection Zones and a Principal Aquifer. A policy could be included to indicate that land that may have been affected by contamination as a result of its previous use or that of the surrounding land and potentially contaminating developments, sufficient information should be provided with the planning application to satisfy the requirements of the NPPF for dealing with land contamination. This should take the form of a Preliminary Risk Assessment (including a desk study, conceptual model and initial assessment of risk), and provide assurance that the risk

to the water environment is fully understood and can be addressed through appropriate measures.

Please note that the view expressed in this letter by the Environment Agency is a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that come forward. We reserve the right to change our position in relation to any such application.

Please contact me on the details below should you have any questions or would wish to contact any of our specialist advisors. Please continue to keep us advised on the progress of the plan.



# Gladman

## Re: Kesgrave Neighbourhood Plan – Regulation 16 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Kesgrave Neighbourhood Plan (KNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

### Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the KNP must meet are as follows:

*(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*

*(d) The making of the order contributes to the achievement of sustainable development.*

*(e) The making of the order 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).*

*(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

*(g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.*

### National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers

---

<sup>1</sup> PPG Reference ID: 41-009-20160211

to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

### **Relationship to Local Plans**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

On 1st April 2019, Suffolk Coastal District Council merged with Waveney District Council to form East Suffolk Council (ESC). Kesgrave falls within the Suffolk Coastal District and therefore the adopted Development Plan relevant to the preparation of the Kesgrave Neighbourhood Plan is the Suffolk Coastal Local Plan (SCLP). This consist of The Core Strategy and Development Management Policies adopted in July 2013, Allocations and Area Specific Policies DPD adopted in January 2017 and saved policies of the 2001 Local Plan. Within the SCLP, Kesgrave is identified as a Tier 1 Major Centre in the settlement hierarchy. These centres have been allocated majority of the total proposed housing growth.

The Council have submitted SCLP review to the Secretary of State for independent examination in March 2019 and following hearing sessions and the Inspector's findings, the Council is now in the process of preparing Main Modifications to the Plan to make SCLP 'sound'. The new SCLP will cover the period 2018-2036 and will identify where growth should be located and how it should be delivered, setting out the planning policies used to determine planning applications. Within the Draft SCLP document, Kesgrave is identified as a Tier 1 Major Centre which is allocated the largest level of growth.

Furthermore, Kesgrave falls within Ipswich Strategic Planning Area (ISPA). This area has long been recognised due to Ipswich's tight administrative boundary which constrains the practical options for meeting needs for development. The Ipswich Borough Council held a consultation on the Final Draft Ipswich Local Plan (ILP) review from 15th January to 2nd March 2020.

Both, the SCLP and ILP may be adopted prior to the KNP and therefore the Parish Council should ensure that policies within the KNP are designed as flexibly as possible to minimise any potential conflicts with the two local plan reviews. A failure to include enough flexibility may affect the longevity of the KNP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the KNP is capable of being effective over the duration of its plan period and not ultimately superseded by the provisions set out in s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

*“if to any extent, a policy, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).”*

### **Kesgrave Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the KNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the KNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

### **Policy KE1: Infill Development and Residential Garden Development**

Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed.

Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a). Gladman recommend that the above policy is modified so that it allows for a degree of flexibility.

### **Policy KE3: Maintaining Kesgrave's Identity**

The emphasis of this policy is to protect the distinctive settlement identity of Kesgrave, including the impact of development proposals upon key views and key landscape features. Gladman suggests that this is a subjective issue and the policy does not provide support for a decision maker to apply the policy predictably and with confidence.

Identified views must ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views should be protected, other than providing a view of the surrounding fields and open countryside. Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest this element of the policy is deleted.

This policy also seeks to avoid coalescence of settlements and development will only be permitted if they do not impinge on the current gaps between Kesgrave and its neighbouring settlements,

Gladman consider that this is a strategic issue that should only be considered through the Local Plan process, if this policy is to be retained then the key consideration of the policy is whether development would erode the visual and functional separation between settlements. Gladman submit that the wording of the policy should be altered to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal.

### **Policy KE5: Local Green Space**

This policy seeks to designate land as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet

national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development.

Paragraph 99 of the Framework states that:

‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.’

Further guidance is provided at paragraph 100 which sets out three tests that must be met for the designation of LGS and states that:

‘The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.’ (emphasis added)

With regards to the proposed designations, there appears to be very little consideration of how each proposed LGS meets the criteria for designation beyond fleeting reference contained in the supporting text. In order to designate land as LGS the Plan should be supported by proportionate and robust evidence as required by the PPG. Failure to demonstrate how each parcel meets the test above is contrary to the requirements of national policy and guidance and is therefore inconsistent with basic condition (a).

### **Policy KE7: Non-Designated Heritage Assets**

A currently worded Policy KE7 goes over and above the requirements of national policy. This policy should be modified so that it reflects the guidance set out within paragraph 197 of the Framework in respect of the two separate balancing exercises in relation to designated and non-designated heritage assets. Paragraph 197 states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

### **Conclusion**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify

the relation of the KNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

# Grainger PLC (Turnberry)

## Kesgrave Neighbourhood Plan Consultation- Representation

On behalf of our client, Grainger plc, we set out our proposed objection to the draft Neighbourhood Plan for Kesgrave on the basis it fails to meet the basic conditions or comply with legislation:

- The Neighbourhood Plan does not identify sites to meet local housing need whilst at the same time is seeking to restrict development within and around the built-up area and is therefore failing to plan positively for its area, contrary to national guidance and policy;
- Policy KE2 is legally compromised as it is allocating a site without having been through a site selection process;
- Policy KE3 seeks to duplicate strategic policies already in the emerging Local Plan and is therefore contrary to national policy and does not meet the tests required by national guidance;
- We have provided detailed landscape evidence to identify the failings in the Neighbourhood Plan and its evidence base;
- The wording of Policy KE5 should be amended, should the Plan proceed;
- The Plan should positively identify the opportunity to enhance Foxhall Radio Station/ Aviation Museum funded by local development in accordance with its own Objectives and national policy.

## The Objectives of the Neighbourhood Plan and Policy KE3

It is our view that the Neighbourhood Plan fails to meet the Basic Conditions by not being in compliance with national policy and guidance or in conformity with local policy.

The emerging Local Plan for the former Suffolk Coastal area is likely to be adopted before the Neighbourhood Plan is 'Made'. In any event, the emerging Local Plan is sufficiently advanced through the process that it is important that the Neighbourhood Plan aligns with it. Policy SCLP12.1 of the Draft Plan has identified local housing growth that Neighbourhood Plans should ideally plan for. In Kesgrave, this is 20 dwellings. Footnote 56 in the Draft Plan is clear that this in addition to existing permissions, allocations and resolutions to grant. No evidence is submitted to confirm the status of the 21 dwellings referred to at paragraph 1.11 in the Neighbourhood Plan but it is our contention that the local need identified in Policy SCLP12.1 is in fact not met and the Neighbourhood Plan is incorrect on this point.

On the one hand, the Neighbourhood Plan is suggesting no sites have been identified in the Neighbourhood Plan (and none have been allocated in the Local Plan), it is clear that the Neighbourhood Plan will be relying on windfall sites only, which is not an approach which exempts the Neighbourhood from a review of the Local Plan as set out in the supporting text for Policy SCLP12.1. The District Centre scheme discussed under the terms of Policy KE2 is not a formal allocation as the process and Plan to date has never sought to identify, evaluate and allocate sites for housing. Policy KE2 is therefore illegal.



A review of the Neighbourhood Plan (NP) is likely on the basis that local housing need is ignored and as the Neighbourhood Plan makes clear, the existing urban area of Kesgrave is dense and has suffered from intensification which is impacting on the quality of life of residents. There are unlikely to be significant opportunities for new housing within the defined settlement boundary.

Moreover, the Inspector examining the emerging Local Plan has already identified the circumstances which will trigger a review of the Local Plan (post hearings letter, January 2020 – J30).

It is our contention therefore, that the Neighbourhood Plan is suppressing opportunities to find new sites for housing within its existing settlement envelope and beyond between the combined effects of Policy KE1 to restrict renewal opportunities on the one hand, and KE3 to invoke issues of protected landscape identity on the other. This is not positive planning as required by paragraph 11a in the NPPF which requires plan-making to 'positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change.'

The combination of KE1 and 3 is to restrict development in and around Kesgrave without identifying any opportunities where housing could be met under the terms of the NP or a future Local Plan review.

The issue of identity is speculative, elevating a local landscape for protection. Within the Natural Environment section of the Planning Practice Guidance, paragraph 36 identifies states that *"Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence."* The appended report prepared by EDP sets out why the evidence that has been presented within the Kesgrave Neighbourhood Plan and its supporting evidence base does not meet this test. No special characteristics have been identified to justify such extensive protections and the land does not enjoy a direct or expansive relationship with the built area of Kesgrave owing to the strong, linear nature of Longstropps. The land south of Longstropps is not a green space and nor is it landscaping (Objective 2) – it is agricultural land.

Policy KE3 is clearly a Strategic Policy concerned with directing future housing strategy. It is therefore a duplication of those Strategic Policies in the emerging Local Plan, contrary to paragraph 16f of the NPPF as the settlement boundaries for Kesgrave have already been defined in the draft Suffolk Coastal Local Plan. Map 41 of the draft policies map shows this point. The settlement boundary is clearly defined in the map, therefore there is no need for the neighbourhood plan to attempt to address coalescence. Areas within the Neighbourhood Plan Area to be protected from development have also been identified on this map under Policy SCLP10.5: Settlement Coalescence, meaning Objective One of the Plan has been pre-empted. Similarly, the land between other settlements surrounding Kesgrave, namely Rushmere St Andrews and Martlesham, is outside the Kesgrave Neighbourhood Plan Area and therefore Policy KE3 and its supporting evidence cannot be admitted owing to it being outside the scope of the Regulations and duplicating existing Strategic Policies.

## Policy KE5



During the last consultation on the draft Kesgrave Neighbourhood Plan 2018-36 in the Autumn of 2019, on behalf of Grainger PLC, we submitted a representation. This representation included a request to insert the following text into policy KE5 to ensure the safe operation of this access point, appropriate sightlines either side of the access must be maintained, which may from time to time involve the selective removal or pruning of trees/vegetation within these areas.

We suggest the following text is include in policy KE5:

*“The pruning and removal of trees and vegetation will be permitted within Local Green Spaces where necessary to provide appropriate sightlines and access to adjacent land or the Local Green Space itself.”*

I note that a similar text has been inserted into the supporting text to policy KE5 in the draft Neighbourhood Plan (please see extracted text below).

*“Where the removal of trees and vegetation from a Local Green Space designated in Policy KE5 relates purely to the management responsibilities of the owner of a designated space it is not expected to require permission unless under the jurisdiction of other policies related to trees and landscape, for example a Tree Preservation Order.”*

Our client owns 61ha of land between Dobbs Lane and Bell Lane. Currently, our client’s land benefits from an access point to Dobbs Lane which is located directly south of the woodland area (proposed to be designated). We appreciate that you have added the above text into your draft Neighbourhood Plan, however we are still of the view that the wording to policy KE5 itself, must be altered in order to avoid ambiguity and dispute, if the situation arises that trees need to be removed on our client’s land in order to maintain safe access to that land.

We also insist that the caveat included in the council’s suggested wording as above, is removed; *‘unless under the jurisdiction of other policies related to trees and landscape’*. We argue this should be removed as this wording lends itself to a variety of interpretations, where future adopted policies can be used to argue against removal of trees despite the safety issues. The removal of trees should not be left to dispute as it is a case of safe access to our client’s land. Without safe access, the future of our client’s site is severely compromised. Our suggested wording will still maintain protection of the woodland area without impacting our client’s interests, we see this as optimal in protecting both the woodland and highway safety from future planning dispute.

Policy KE5 therefore fails Policy 16 of the NPPF which requires Plan-making to be cognisant of the following matters:

- b) Positively prepared
- d) Contain policies which are clearly written and unambiguous so it is evident how a decision maker can react to the proposals

Moreover, the planning practice guidance [‘Open space, sports and recreation facilities, public rights of way and local green space’ Paragraph: 007] states that *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”*

In their emerging Local Plan, East Suffolk Council has acknowledged that housing need for the East of Ipswich area will need to be reviewed in response to the Ipswich Northern Route. Ipswich’s housing need is also presently unclear and this may require additional land East of Ipswich to be released. On the basis that a review is likely and that we will continue to promote Land South of Long Strops. The proposed access may be utilised in support of a future allocation and the designation of Local Green Space needs to be cognisant of these dynamic issues if it is to accord with the NPPF and not be used to frustrate a future review.

We have previously provided a plan identifying the area concerned. Although an amendment to the boundary of the Local Green Space designation remains our preferred approach, we would consider Policy KE5 to meet the required tests if the relevant text were amended as follows:

*“Where the removal of trees and vegetation from a Local Green Space designated in Policy [KE5 is required to provide safe access and egress or](#) relates purely to the management responsibilities of the owner of a designated space, [these activities will be supported subject to it is not expected to require permission unless under](#) the jurisdiction of other policies related to trees and landscape, for example a Tree Preservation Order.”*

### **Heritage Assets – Foxhall Radio Station**

The Foxhall Radio Station is acknowledged in the Plan as being an important non-designated heritage asset. The importance of local heritage is shown in Objective Five of the Plan, which states that the Plan should preserve the town’s heritage assets.

In support of this objective, the Plan should include wording which is supportive of development as the substantial renovations needed to the site will require significant investment which is only likely to come from development. Paragraph 185 of the NPPF (2019) states that *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats”*. Without acknowledgement of the potential for development to help preserve this heritage asset, the site will likely continue to decline, leading to the steady deterioration of the heritage value at the site.

We therefore consider that the policy fails to accord with national guidance and should be amended to address this issue.

Whilst we support the development of a Neighbourhood Plan in principle, it is clear that this draft does not meet the statutory requirements and requires significant re-evaluation.



**Land at Kesgrave,  
East Suffolk**

**Neighbourhood  
Plan Landscape  
Rebuttal**

Prepared by:  
**The Environmental  
Dimension  
Partnership Ltd**

On behalf of:  
**Turnberry Planning  
Limited**

March 2020  
Report Reference:  
**edp4392\_r002b**

## Contents

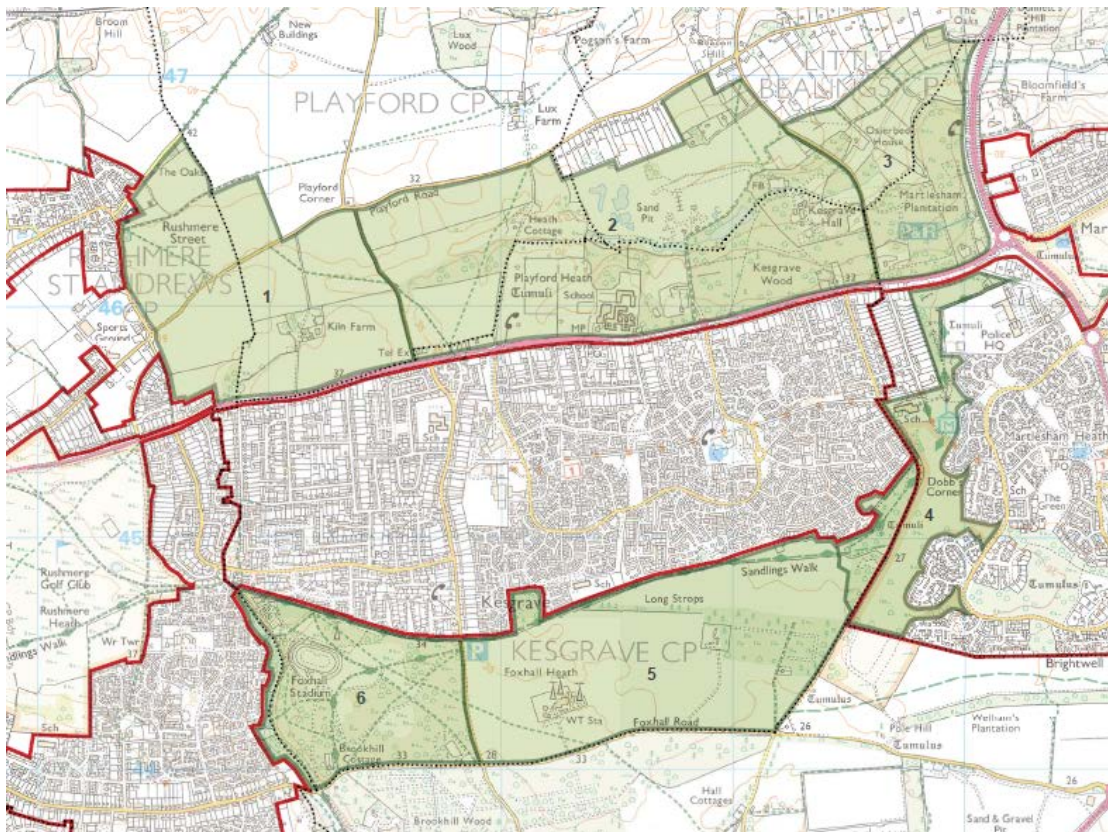
<b>Section 1</b>	Introduction and Purpose.....	1
<b>Section 2</b>	Discussion .....	3
<b>Section 3</b>	Conclusion .....	15

*This version is intended for electronic viewing only*

	Report Ref: edp4392_r002			
	Author	Formatted	Peer Review	Proofed by/Date
002_DRAFT	AH	JM/NH	VP	-
002a	AH	-	-	NH 060320
002b	AH	-	-	NH 060320

## Section 1 Introduction and Purpose

- 1.1 This rebuttal has been prepared by The Environmental Dimension Partnership (EDP) on behalf of Turnberry Planning Limited in response to the Kesgrave Neighbourhood Plan (KNP) Submission Stage (Regulation 16) Consultation Version, issued for consultation by Kesgrave Town Council on 24 January 2020.
- 1.2 The purpose of this rebuttal is to examine the landscape evidence which has been provided within the KNP. A key part of this is the Kesgrave Neighbourhood Plan Landscape Identity Analysis (KNPLIA) report, which splits the undeveloped landscape around the town of Kesgrave into land parcels as shown below.



**Figure EDP 1.1:** KNPLIA Parcels

- 1.3 The site is identified as part of 'Landscape Setting Parcel 5' as shown in **Figure EDP 1.1**, which is considered to have a 'medium to high' contribution to Kesgrave's landscape setting and a 'medium' contribution to maintaining the separation of Kesgrave from adjacent settlements.
- 1.4 This report provides analysis and commentary on the following issues:
- 1) The findings of the Kesgrave Neighbourhood Plan Landscape Identity Analysis (KNPLIA) April 2019 – Discussion and analysis of Landscape Setting Parcel 5:

- i) Separation;
  - ii) Character; and
  - iii) Visual.
- 2) The value of Long Strops compared to that of the wider Parcel 5;
  - 3) The Natural Environment Planning Practice Guidance (July 2019):
    - i) Key landscape features that give Kesgrave its identity; and
    - ii) The Identification of 'Key Views' within the KNPLIA and Appendix 1;
  - 4) Policy KE3, contained within the Submitted Neighbourhood Plan 2018-2036.

1.5 Each of these key matters are addressed in turn within **Section 2** below.



## **Section 2 Discussion**

### **The Findings of the KNPLIA – Discussion and Analysis of Landscape Setting Parcel 5**

#### ***Separation***

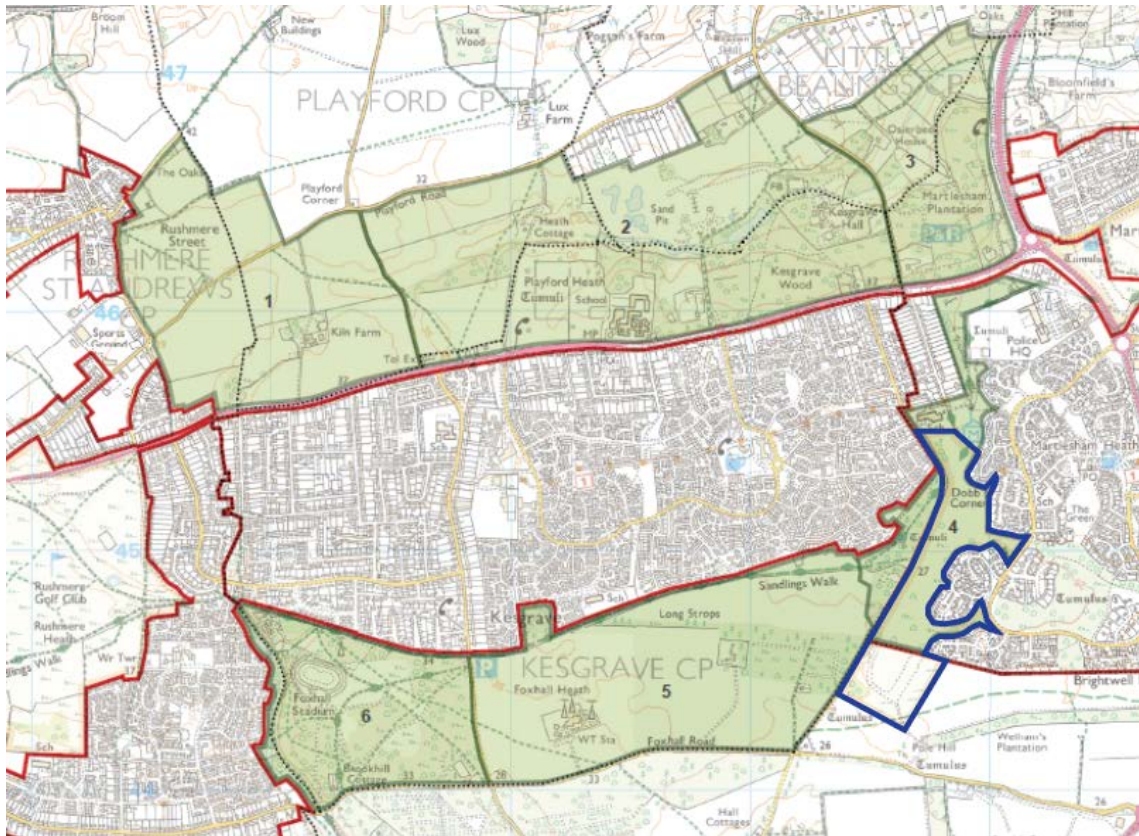
- 2.1 As part of the evidence base for the KNP, the KNPLIA has been produced by The Landscape Partnership on behalf of Kesgrave Town Council. The broad aims, as set out in the report, are:
- To provide a baseline description of the landscape in which Kesgrave is located, with particular emphasis on what makes it special and distinctive, i.e. what gives the town its identity;
  - To analyse the contribution that various parcels of undeveloped land beyond the settlement boundary make to providing Kesgrave’s landscape setting and maintaining Kesgrave’s separation from Rushmere St Andrew and from Martlesham Heath; and
  - To prepare draft policy wording and supporting text for inclusion in the KNP in order to safeguard Kesgrave’s landscape setting and the separation of Kesgrave from Rushmere St Andrew and Martlesham Heath.
- 2.2 The KNPLIA has used a bespoke methodology to achieve this, combining desktop studies to provide a baseline followed by field survey work to undertake the analysis. The report splits undeveloped land around Kesgrave into ‘Landscape Setting Parcels’ based on roads and parish boundaries. The outcome of the analysis is that each parcel is assessed for its overall contribution to ‘Kesgrave’s landscape setting’ and ‘maintaining the separation of Kesgrave from adjacent settlements’. The results for Parcel 5 are shown in **Figure EDP 2.1** below.

Purpose	Criteria	Analysis	Contribution
To prevent neighbouring settlements from merging into one another	1. Is the parcel free from development? (physical)	Parcel contains significant development	Low
		Parcel contains some development	Medium
		Parcel contains no development	High
	2. Does the parcel have a sense of openness? (perceptual)	Parcel has little sense of openness	Low
		Parcel has moderate sense of openness	Medium
		Parcel has strong sense of openness	High
	3. What is the width of the gap between settlements that the parcel contributes to?	Extensive gap (more than 3.0km)	Low
		Moderate gap (1.0km to 3.0km)	Medium
		Narrow gap (less than 1.0km)	High
	4. What contribution does the parcel make to perception of gap for those passing through it?	Parcel makes small contribution (e.g. presence of lighting, signage and other ephemera)	Low
		Parcel makes moderate contribution	Medium
		Parcel makes large contribution (e.g. strong and clear distinction between urban area and countryside)	High

**Figure EDP 2.1:** Separation Analysis of Parcel 5 within the KNPLIA

2.3 The report states that the “Parcel contributes to separation between Kesgrave and Rushmere St Andrew, Kesgrave and Martlesham Heath.” Analysis of the town and its surrounding area shows that Kesgrave already shares significant parish boundaries with both Rushmere St Andrew and Martlesham Heath, as shown on **Figure EDP 2.2** below.





**Figure EDP 2.2:** Parish boundaries (Access Land edged in blue) (Taken from Appendix 1 of the KNPLIA Figure 02)

- 2.4 These parish boundaries are clearly formed within urban blocks of residential development, showing the three parishes to be permanently connected along an east–west axis. An area of Open Access Land (edged in blue) forms part of the boundary with Martlesham Heath to the east, however this area lies within Parcel 4 of the KNPLIA.
- 2.5 It is also clear that the parcel’s location to the south of the settlement of Kesgrave has little or no contribution to the separation between settlements, as they lie to the east and west of Kesgrave. As a result, it is considered that Criteria 3 of the separation analysis can be reduced to ‘Low’, due to the extensive gap (more than 3km) between Kesgrave and the nearest settlement to the south.

### **Character**

- 2.6 The analysis of each parcel also assesses a number of attributes, including character. Although Chapter 6 of the KNPLIA assesses the whole study area in relation to the various published Landscape Character Assessments (LCAs), these are not referred to in the parcel analysis.
- 2.7 Parcel 5 and the wider landscape sit within the ‘Estate Sandlands Landscape Character Type (LCT)’ as identified within the Suffolk Landscape Character Assessment. It is considered that the wider landscape contains some representative key characteristics, however the parcel itself is largely unrepresentative of its host LCT. Parcel 5 does not contain any rare or unique

landscape features and is heavily influenced by the tall masts at the Foxhall Radio Station to the south-west, providing an urbanising influence across the parcel.

- 2.8 It is therefore considered that the analysis has not given due consideration to the character of the parcel as a discrete geographical unit of the much wider LCT and the overall lack of representative key characteristics within it, which are identified within the published LCA.

### ***Visual***

- 2.9 Visually, the parcel is well contained by the surrounding woodland to the south, east and west, with filtered views available into the parcel from the southern edge of Kesgrave and users of the Sandlings Walk public right of way (PRoW) and the recreational area of Long Strops. Although there are some opportunities for views into the parcel from Long Strops, the mature treed boundary along the southern edge of Long Strops acts as a good visual screen in many places, reducing intervisibility between the recreational route and the landscape to the south.
- 2.10 As a result, the statement that *“the perception of open countryside to the south of the route is important to the experience of users”* can only be limited as many long sections of the route have little or no visual connection with the countryside to the south, even during winter months as indicated on images N, O and P within Figures 9c of the KNPLIA Appendix 1, and reproduced below as **Figure EDP 2.3**.



**Figure EDP 2.3:** Views from Long Strops showing limited intervisibility with countryside to the south (Images N, O and P within Figures 9c of the KNPLIA Appendix 1)

- 2.11 It is important to note that the more open views across the landscape to the south are afforded from the western extent of the area. Again, as illustrated in Appendix 1 of the KNPLIA, the towers and built form at the Foxhall Radio Station are clearly visible in the view (illustrated below at **Figure EDP 2.4**), introducing tall man-made structures into the view of open agricultural fields that is “*important to the experience of users*”. Images N, O and P above also illustrate the enclosure created by the surrounding woodland blocks, restricting long distance views towards the wider landscape reproduced as **Figure EDP 2.4**.





**Figure EDP 2.4:** KNPLIA Appendix 1 View from western extent of Long Strop (Images M within Figures 9c of the KNPLIA Appendix 1)

### **The Value of Long Strops Compared to that of the Wider Parcel 5**

- 2.12 Although the majority of Parcel 5 comprises arable fields, woodland and the Foxhall Radio Station, the northern extent adjacent to the southern edge of Kesgrave includes the Long Strops linear route, which incorporates the Sandlings Walk along a bridleway. Referenced in the SCLP, *“the District has a significant network of public rights of way, including nationally promoted walking trails such as the Stour and Orwell Walk, and the Sandlings Walk”*, the route provides an important recreational route accessible to residents of Kesgrave, as recognised in the KNP through the proposed designation as a ‘Local Green Space’.
- 2.13 The KNPLIA echoes the importance of this area as *“a significant recreational route through the area”*, which also includes the Millennium Hall and sports pitches, which have been recently constructed to help provide a facility to encourage recreational and community engagement within the town.
- 2.14 The recreational nature of this area indicates it has a local community value and should be protected as a local green space, as indicated within the KNPLIA, which is in contrast to the fields to the south which have limited public access and are generally only experienced from the local road network to the south, east and west.

### **The Natural Environment Planning Practice Guidance (July 2019)**

- 2.15 This document contains guidance for planning policies to set out how the natural environment can be protected and enhanced. Of particular relevance is Paragraph 036, relating to Landscape:

*“Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence.”*

- 2.16 It is clear from the wording of Policy KE3 that the KNP is seeking to attach some local value to Parcel 5, through the protection of *“key landscape features that give Kesgrave its identity”* and the identified ‘key views’, as discussed below.

### ***Key Landscape Features that give Kesgrave its Identity***

- 2.17 The KNPLIA aims to establish the identity of Kesgrave “*with particular emphasis on what makes it special and distinctive*”. Although not defined, it is reasonable to consider that ‘special and distinctive’ must comprise elements that are elevated above the landscape baseline. For example, designated landscapes (Sites of Special Scientific Interest, Local Nature Reserves, Tree Preservation Areas etc.) and key characteristics identified within the host LCA, as well as a lack of detractors such as busy roads and large communication/electrical structures.
- 2.18 A key point within the KNPLIA is the lack of a clear definition of the key landscape features despite extensive analysis. As part of the narrative with Policy KE3, the KNP has identified the key landscape features in the surrounding landscape under the headings of ‘physical or perceptual’. The 10 bullet points seem to be interpreted from the KNPLIA; however, these descriptions form part of the baseline study, rather than a result of the identity analysis. It is important to note that the baseline descriptions of a landscape should not alone be considered sufficient evidence to form ‘key landscape features.’ Therefore, when compared to the Natural Environment PPG, there is no evidence base to suggest that these elements are ‘special characteristics’, in fact the lack of designated or characteristic features and nearby detracting influences suggest this is a largely unremarkable landscape.
- 2.19 The analysis of Parcel 5 makes no reference to the area being an undesignated landscape with limited LCA characteristics; however, makes clear the influence of the Foxhall Radio Station forming “*a prominent feature within views*”. The Parcel is also surrounded on three sides by local roads, providing key access between settlements and to the wider area via the A12 to the east. As a result, it would appear that the information contained within the analysis of Parcel 5 points to the fact that this is an unremarkable landscape and does not contain any key landscape features; however, this conclusion is not reflected in the report and therefore omitted in the KNP.

### ***The Identification of ‘Key Views’ within KNPLIA and Appendix 1***

- 2.20 Chapter 8 of the KNPLIA has described a number of ‘Key Views’ across the study area, to and from the settlement. No definition is provided for the key views, nor is there any supporting criteria or justification for the location of these views within the report. Figure 8 of Appendix 1 appears to show the locations of the views, however there is limited correlation between the six bulleted descriptions and 29 photographs within Appendix 1, as shown below.

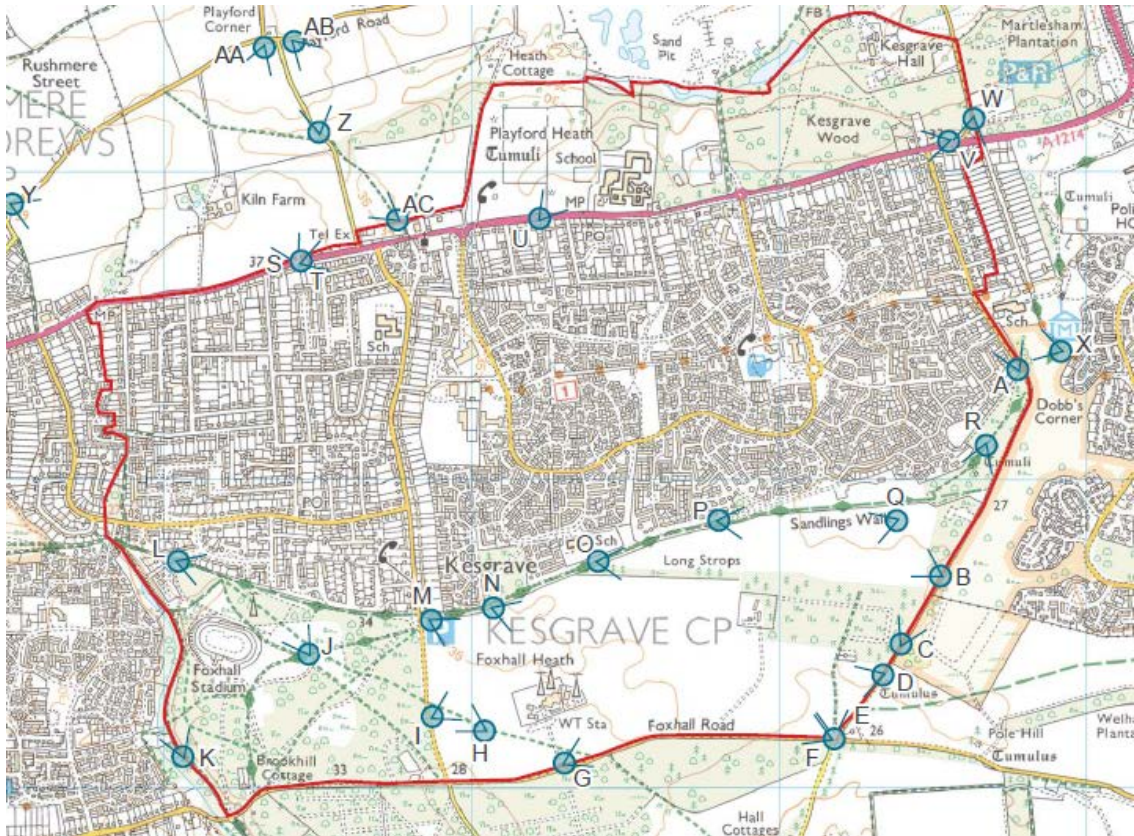
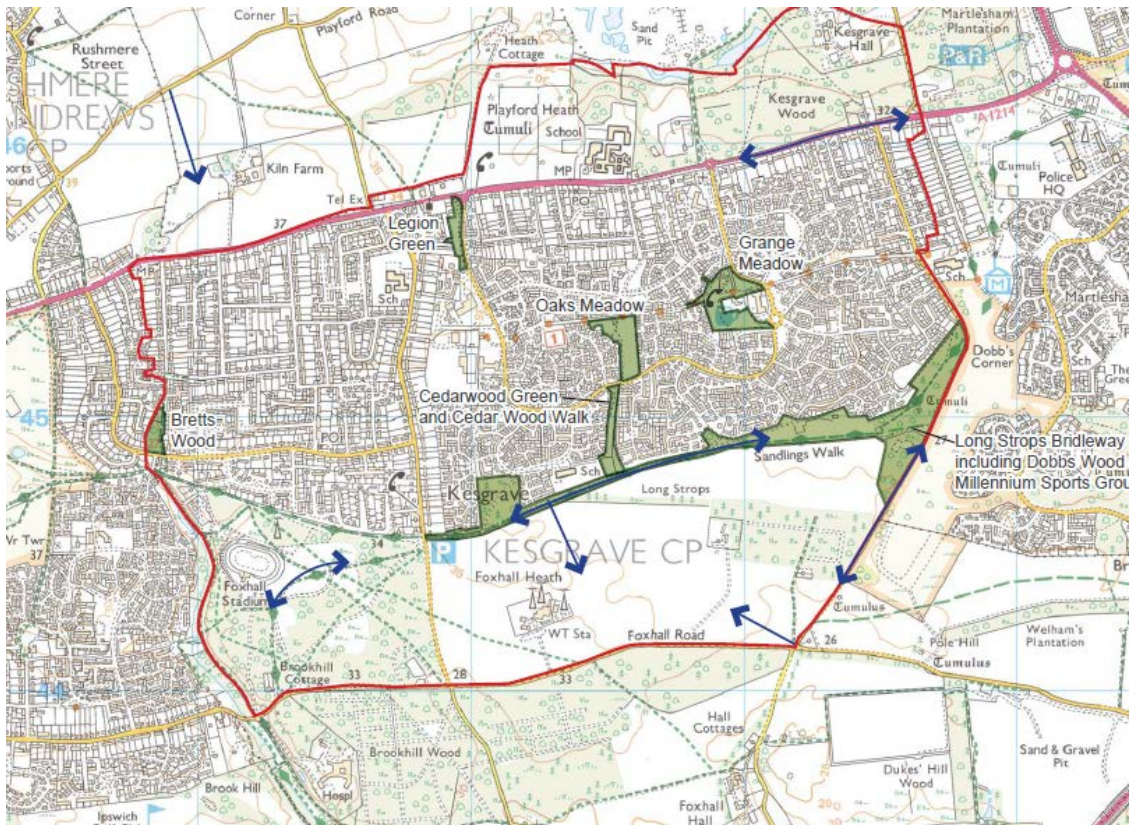


Figure EDP 2.5: KNPLIA key viewpoint locations

2.21 The legend describes the photograph locations as 'Key Viewpoint Locations'. This is in contrast to Figure 10 of the same report, which goes on to describe 'Key Landscape Views' as shown by the blue arrows in **Figure EDP 2.6** below.





**Figure EDP 2.6:** KNPLIA key landscape views

- 2.22 Although the above are more representative of the views described in Chapter 8 of the report, they still do not match, “Views from the southern part of Bell Lane across open countryside to the south of Kesgrave” for example, is not represented in the above figure.
- 2.23 The views on **Figure EDP 2.6** are interpreted from **Figure EDP 2.5**, however as part of the Natural Environment PPG the selection of these must be supported by ‘proportionate evidence’. Although not defined, similar to that of the key landscape features it is reasonable to conclude that these should represent important or characteristic views, or include rare or unique features with limited detracting influences.
- 2.24 The general amount of views selected as part of this figure could be considered disproportionate under guidance within the GLVIA as part of ‘representative viewpoints’, where images should be included to “represent the experience of different types of visual receptor” (EDP’s emphasis).
- 2.25 The 29 views identified on **Figure EDP 2.5** include 13 surrounding Parcel 5, five of which are contained within the Long Strops area. With the exception of ‘H’, the remaining views are taken from the local road network, where glimpses into the Parcel are restricted to transient views along National Speed Limit roads. These would be afforded a low to moderate sensitivity as part of any Landscape and Visual Impact Assessment (LVIA) and therefore not considered to be ‘key’.

- 2.26 The views do not contain key characteristics identified within the host LCA, or represent any rare or unique features. A number of the photographs also show the urbanising influence of the Foxhalls Radio Station across the Parcel.
- 2.27 A key view is identified south into the Parcel from Long Stropps, however as previously identified, large sections of the Sandlings Walk are bound to the south by mature hedgerow and trees limited intervisibility to the landscape to the south, leaving this particular 'key view' from the route towards vegetation, as indicated on **Figure EDP 2.3** above, rather than the countryside. This view also bears little correlation to views N or O, both of which are looking in an easterly direction along the route of Long Stropps, rather than south towards the agricultural fields.
- 2.28 It is therefore reasonable to conclude that the views identified within the KNPLIA cannot be considered 'key' due to their lack of representation of key characteristics of the published LCAs, and not containing any rare or unique features in the landscape, therefore failing to provide proportionate evidence for the selection of these views.
- 2.29 Overall, it is considered that a crucial omission in the evidence base to support the KNP is the representation of 'proportionate evidence'. As a result, Policy KE3 does not align with the Natural Environment PPG and is unsuitable in its current form.

**Policy KE3 contained within the Submitted Kesgrave Neighbourhood Plan 2018-2036**

- 2.30 It is understood that the KNPLIA is a key document in the conception of Policy KE3 as described below, referencing Kesgrave's identity, coalescence with adjoining settlements and the key views.

*"POLICY KE3: MAINTAINING KESGRAVE'S IDENTITY*

*Development will only be permitted where it would not:*

- a) compromise the appreciation of the key landscape features that give Kesgrave its identity;*
  - b) increase coalescence with adjoining settlements, or reduce the sense of Kesgrave as a distinct and separate settlement; and*
  - c) have a detrimental impact on the key views specified on the Policies Map in Section 9."*
- 2.31 As discussed in Paragraph 2.4, it has been established that the settlements of Rushmere St Andrew, Kesgrave and Martlesham Heath form a contiguous line of settlements in an east – west axis, sharing significant residential boundaries. Therefore, the coalescence between these settlements is already established.



- 2.32 Also discussed in Paragraph 2.8 is the lack of justification of the identified key views, which are of an undesignated landscape containing little key characteristics of the host LCA and no evidence of rare or unique features.
- 2.33 It is therefore considered that the evidence base supporting this policy does not have a full appreciation of the landscape context and cannot be relied upon to inform a KNP Policy KE3.

*This page has been left blank intentionally*

## Section 3 Conclusion

- 3.1 Overall, it is considered that the landscape evidence base supporting the Kesgrave Neighbourhood Plan does not align with the Natural Environment Planning Practice Guidance Paragraph 036, where it is required to identify “*special characteristics and be supported by proportionate evidence*” in order to establish landscapes with a particular local value.
- 3.2 The KNPLIA does not adequately define ‘key landscape features’ of the land included within the study. Although indicating features that may demand this value, such as designations and key characteristics of the host LCA, the KNPLIA only describes the landscape baseline and indicates that none of these value attributes are present. The influence of detracting features such as the Foxhall Radio Station is also not considered in the overall analysis. The narrative attached to Policy KE3 describes the ‘key landscape features’ under the headings of physical and perceptual; however, these have been interpreted from the baseline description of the KNPLIA, rather than analysis of the features. It is important to note that the baseline descriptions of a landscape should not alone be considered sufficient evidence to form ‘key landscape features.’
- 3.3 In addition, the report also does not have the required justification for the selection of ‘key views’, due to the lack of key characteristics and rare or unique features, as well as including detracting urban influences such as the Foxhalls Radio Station. The 13 views surrounding Parcel 5 are not considered to be ‘representative’ of the different types of visual receptor, as described within the GLVIA, a number of which are from local roads which are considered to have a low to medium sensitivity.
- 3.4 In relation to Parcel 5, the ‘key view’ identified looking south towards the agricultural fields from the Standlings Walk is not represented in the original 29 views. **Image EDP 2.3** picture ‘N’ also shows no intervisibility with the landscape to the south due to the intervening vegetation, further reducing the evidence base for the selection of this view.
- 3.5 It is therefore considered that the landscape evidence base of the KNP does not identify any special characteristics or provide supporting proportionate evidence of any local value. It does not align with the Natural Environment PPG and cannot be adopted.

*This page has been left blank intentionally*



the environmental  
dimension partnership

**CARDIFF**  
**02921 671900**

**CHELtenham**  
**01242 903110**

**CIRENCESTER**  
**01285 740427**

**SHREWSBURY**  
**01939 211190**

**info@edp-uk.co.uk**  
**www.edp-uk.co.uk**



**Landscape  
Institute**  
Registered practice

**IEMA** Transforming the world  
to sustainability

**URBAN  
DESIGN** REGISTERED  
**GROUP** PRACTICE



The Environmental Dimension  
Partnership Ltd. Registered as a  
Limited Company in England and  
Wales. Company No. 09102431.

# Highways England

## **Kesgrave Neighbourhood Plan consultation**

Thank you for your consultation.

We welcome the fact that the promotion of sustainable development, provision of facilities and services and sustainable transport is promoted in your plan despite the challenges thrown up by the rural nature of your village.

The proposed level of development is modest and somewhat remote from the strategic road network. The traffic impact of the proposed development is covered in the Ipswich and the surrounding districts local plans and therefore should be within the scope of their evidence bases and, if necessary, any adverse impacts suitably addressed

# Historic England

## **Ref: Kesgrave Neighbourhood Plan Regulation 16 Consultation**

Thank you for inviting Historic England to comment on the Regulation 16 Submission version of this Neighbourhood Plan.

We welcome the production of this neighbourhood plan, but do not wish to provide detailed comments at this time. We would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

## Martlesham Parish Council

Martlesham Parish Council was grateful for the opportunity to comment on the Kesgrave Plan. It fully supports the Plan and hopes that the Town Council can successfully achieve their objectives.



# National Grid (Avison Young)

## KESGRAVE NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION Representations on behalf of National Grid

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

### **Proposed development sites crossed by or in close proximity to National Grid assets**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)

Please also see attached information outlining guidance on development close to National Grid infrastructure.

### **Distribution Networks**

Information regarding the electricity distribution network is available at the website below: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

### **Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

**Matt Verlander, Director**

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

**Spencer Jefferies, Town Planner**

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

# Natural England

## **Kesgrave Neighbourhood Plan**

Thank you for your consultation on the above dated 24 January 2020.

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

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

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

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

For any further consultations on your plan, please contact:  
[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

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

## Natural environment information sources

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

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

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

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

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

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)<sup>5</sup> website and also from the [LandIS website](http://www.landis.org.uk/)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

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

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

---

<sup>1</sup> <http://magic.defra.gov.uk/>

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

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

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

<sup>5</sup> <http://magic.defra.gov.uk/>

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

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807247/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf)

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

## Landscape

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

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

## Wildlife habitats

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

## Priority and protected species

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

## Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>13</sup>.

## **Improving your natural environment**

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

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

---

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

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

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

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

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

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

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

---

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

## Sport England

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document. <http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded. <http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the

development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

*(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)*

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.



# Suffolk County Council

## Submission version of the Kesgrave Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the submission version of the Kesgrave Neighbourhood Plan.

SCC welcome the changes made to the plan in response to comments made at the Reg. 14 consultation stage and the positive discussion that took place between SCC and the neighbourhood plan group following this consultation.

As this is the submission draft of the Plan the County Council response will focus on matters related to the Basic Conditions the plan needs to meet to proceed to referendum. These are set out in paragraph 8(2) Schedule 4B to the Town and Country Planning Act. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)
- b) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- c) the making of the order (or 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)
- d) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

Please note, that when stating that the Kesgrave Neighbourhood Plan needs amendments to meet basic condition c), being in conformity with the local strategic policies, SCC will be referring to the Final Draft of the Suffolk Coastal Local Plan. While the examination for this plan is still ongoing, the inspector has stated in a letter sent to East Suffolk Council<sup>1</sup> that they consider the plan is capable of being sound subject to modifications. Our comments will not be related to areas where the inspector considers (so far) that there is need for major modifications to the Suffolk Coastal Local Plan.

Where modifications to the plan are suggested, text to be deleted will be shown in ~~strike through~~ and text to be added will be shown in *italics*.

### Health and Wellbeing

Although the majority of the population of Kesgrave is of working age, 17.4% of residents are aged 65 or over. As stated in the Joint Strategic Needs Assessment (JSNA), there are currently 1 in 5 people over the age of 65 in Suffolk, and this is expected to rise to 1 in 3 in

---

<sup>1</sup><https://suffolkcoastallocalplan.inconsult.uk/consult.ti/SuffolkCoastalExamination2019/viewContent?contentid=389043>

20 years' time. Therefore, it is important that the neighbourhood plan has provisions for the aging population.

The county council is particularly keen to encourage extra care housing. This is similar to sheltered housing but with a greater level of care available, although is less intensive than an institutional care home. Extra care housing can be more flexible with the level of care provided, meaning that it can enable people to stay more independent for longer. This enables people to stay part of their local communities longer, which is beneficial to both an individual's health and community cohesion.

The Kesgrave Neighbourhood Plan needs to meet Part A of the Basic Conditions; as stated in paragraph 59 of the NPPF "... the needs of groups with specific housing requirements are addressed...". Therefore, it is recommended that the following text is included as a new policy in the plan;

*"To address the needs of an aging population, appropriate proposals for housing with care will be supported, particularly if this includes extra care housing"*

## Transport

### *Policy KE9:*

As it stands, the current Neighbourhood Plan only prevents detriment to walking and cycling infrastructure but does not explicitly require development to provide new connections or enhance the walking and cycling network where appropriate.

The Kesgrave Neighbourhood Plan should have regard to Ipswich Strategic Plan Area Transport Mitigation Strategy, which forms part of the evidence base for the emerging Suffolk Coastal Local Plan. This outlines how the impact of development will be mitigated in and around Ipswich, including Kesgrave, with priorities of sustainable transport measures, including "improved walking and cycle routes" (Policy SCLP2.2: Strategic Infrastructure Priorities).

Planning policies should, as stated in the NPPF paragraph 104 Part D: "provide for high quality walking and cycling networks and supporting facilities such as cycle parking...", and should ensure "appropriate opportunities to provide sustainable transport modes...", as detailed in the NPPF paragraph 108 Part A.

The policy should be changed in order to meet the Basic Conditions a) and c). Below are suggested amendments to the policy;

*"In the interest of maximising sustainable transport developments must ensure no detrimental impact on the usability of existing walking and cycling infrastructure and where appropriate provide improvements to the walking and cycling network.*

Proposals to enhance walking and cycling access from Kesgrave to workplaces and leisure facilities outside the Neighbourhood Area will be strongly supported.,

*Policy KE10:*

SCC acknowledges the amendments made to Policy KE10, as suggested during the pre-submission consultation. However, it is recommended that the second “(including shelters, waiting areas and timetable signage)” is removed from this policy. This phrase is not necessary to be repeated twice in the policy, as it is already explained in the supporting text. This will make Policy KE10 clearer to read.

General

Minor typo at 8.1 ..."There ~~isa~~ is a good network of cycle lanes..." (p44)

-----

I hope that these comments are helpful. SCC is always willing to discuss issues or queries you may have. If there is anything I have raised you would like to discuss, please use my contact information at the top of this letter.

# WO and PO Jolly and The Kesgrave Covenant Ltd (Howes Percival LLP)

## Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 Consultation on submission version of the Kesgrave Neighbourhood Plan

We act for WO & PO Jolly, a farming partnership, and The Kesgrave Covenant Ltd ("**KCL**") who are together the owners of the bridleway and adjacent land known as Longstrops, running from Bell Lane to Dobbs Lane on the southern edge of the Grange Farm development at Kesgrave.

### The position of WO & PO Jolly and KCL

- 1 We have previously responded to Kesgrave Town Council's public consultation on its draft Kesgrave Neighbourhood Plan ("**DKNP**") by way of a letter dated 30 August 2019 ("**August 2019 Letter**"). A copy of our August 2019 Letter is enclosed.
- 2 The submission version of the Kesgrave Neighbourhood Plan 2018-2036 ("**SVNP**") does not address all of the representations made in the August 2019 Letter.
- 3 We note that changes have been made to draft Policy KE5 between the DKNP and the SVNP to include all associated wooded areas and hedgerows within the proposed designation of Longstrops as an area of Local Green Space.
- 4 In the August 2019 Letter we explained that our clients erected a fence to the southern boundary of Longstrops and later, in 2000, our clients erected a second fence approximately 1.5m to the north of the fence erected in 1998. Our clients then planted a hedge between these two fences which remains and is now substantial. This feature was intended to define clearly our clients' boundary to this land.
- 5 In the August 2019 Letter we then clarified that the area of Longstrops between these two fences does not satisfy the requirements to be designated as part of any Local Green Space as it does not serve any purpose to the local community and in itself has no recreational value.
- 6 As a matter of law, designation as a Local Green Space would offer no additional protection in terms of the retention of this hedgerow. For example, the removal of this hedgerow is not something that would constitute "development" and would not require planning permission and in these circumstances there would be no consideration of Policy KE5.

- 7 In addition, designation as part of an area of Local Green Space would not confer any public rights of access over this private area of land.
- 8 In any event, as made clear in the August 2019 Letter the use and operation of Longstrops is already governed by a Planning Instrument dated 10 December 1998 and we believe that this provides sufficient protection to the local community.
- 9 We request that it is made clear on the Policies Maps in the Neighbourhood Plan that the area between these two fences is not included as Local Green Space.
- 10 We also note that changes have been made to draft Policy KE5 between the DKNP and SVNP to remove reference to "small in scale (in terms of height and bulk)". However, we note there is still a requirement for any development in areas of Local Green Space to "enhance" the role or function of that area.
- 11 The requirement to "enhance" the role or function of a Local Green Space still goes beyond the protection afforded to the Green Belt. The National Planning Policy Framework makes it clear that substantial weight is given to any harm to the Green Belt when considering any planning application in such an area but there is no requirement to "enhance" such an area.
- 12 WO & PO Jolly and KCL maintain the views set out in the August 2019 Letter and wish to reiterate these as a response to this consultation. We would also reiterate that our clients over the years have always taken considerable effort to create pleasant surroundings at Grange Farm.
- 13 We request that East Suffolk Council forward this representation and the August 2019 Letter enclosed to the independent examiner for the SVNP as the response of WO & PO Jolly and KCL to the current consultation.

Kesgrave Neighbourhood Plan Public Consultation  
Kesgrave Town Council  
Ferguson Way  
Kesgrave  
IP5 2FZ

**By First Class Post and e-mail to [enquiry@kesgravetowncouncil.org.uk](mailto:enquiry@kesgravetowncouncil.org.uk)**

Our Ref : JZC/CSJS/JPWH/018766.0297  
Your Ref :  
Date : 30 August 2019

Dear Sirs

### **Kesgrave Neighbourhood Plan consultation**

We act for WO & PO Jolly, a farming partnership, and The Kesgrave Covenant Ltd ("**KCL**") who are together the owners of the bridleway and adjacent land known as Longstrops, running from Bell Lane to Dobbs Lane on the southern edge of the Grange Farm development at Kesgrave.

### **Background**

- 1 Messrs Patrick and Timothy Jolly, partners in WO & PO Jolly, are the registered proprietors of land registered under title SK152118. KCL is the registered proprietor of the section immediately to the east of that, under title number SK152117.
- 2 This letter forms KCL's response to the Town Council's consultation on the draft Kesgrave Neighbourhood Plan ("**DKNP**").

### **Brief history and current operation of Longstrops**

- 3 Our clients purchased the land referred to above in 1995.
- 4 In 1998 our clients entered into a Planning Instrument dated 10 December 1998 ("**1998 Instrument**") following discussions with Suffolk Coastal District Council ("**District Council**") to allow land which our clients had acquired as additional open space in connection with the delivery of additional residential development at the Grange Farm development.
- 5 Under the 1998 Instrument a new Masterplan ("**Masterplan 2**") was agreed with the District Council.
- 6 The Written Statement attached to Masterplan 2 in the 1998 Instrument obliges our clients to provide Longstrops as open space in a certain way. Longstrops is used in such a way with the permission of our clients and there are interpretation boards on Longstrops to this effect.



- 7 The Millennium Playing Field itself and part of the adjacent land is, of course, already occupied by the Town Council under a lease which provides for the Town Council to use the land for playing fields and open space.
- 8 In 1998 our clients erected a fence to the southern boundary of Longstrops. In 2000 our clients erected a second fence approximately 1.5m to the north of the fence erected in 1998. In between these two fences our clients planted a hedge, which remains and is now substantial.
- 9 Our clients object to the designation of Longstrops as a Local Green Space in the Town Council's Neighbourhood Plan for the reasons set out below.

### **Response to the draft Kesgrave Neighbourhood Plan**

#### Legal compliance

- 10 Pursuant to s38A of the Planning and Compulsory Purchase Act 2004 and Schedule 4B paragraph 8 of the Town and Country Planning Act 1990 the DKNP needs to meet a number of "basic conditions".
- 11 **Having regard to national policies**
  - 11.1 One of the basic conditions that the DKNP must have regard to national policies and advice contained in guidance issued by the Secretary of State. One of the most important national policies that the DKNP must have regard to is the National Planning Policy Framework ("NPPF").
  - 11.2 Paragraph 100 of the NPPF makes it clear that the Local Green Space designation should only be used where the green space in question meets all of the following criteria:
    - a) in reasonably close proximity to the community it serves;
    - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
    - c) local in character and is not an extensive tract of land.
  - 11.3 Paragraph 101 of the NPPF goes on to confirm that policies for managing development within a Local Green Space should be consistent with those for Green Belts.
  - 11.4 Such policies for managing development in the Green Belt include paragraph 145 of the NPPF which makes it clear that the "*provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*". Paragraph 146 of the NPPF goes on to specify that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including "*local transport infrastructure which can demonstrate a requirement for a Green Belt location*".

- 11.5 The Government's Planning Practice Guidance ("**Guidance**") goes on to provide further advice.

## 12 **Objections to draft Policy KES5**

- 12.1 Firstly, as set out above the use and operation of Longstrops is governed by the 1998 Instrument and the Town Council already have the benefit of a lease in relation to Millennium Playing Field and a bridleway runs on an existing route through Longstrops. We believe these provide sufficient protection to the Local Community. Indeed our clients are concerned that a designation of Longstrops as Local Green Space could prejudice their ability to comply with the terms of the 1998 Instrument in relation to the way required by the 1998 Instrument.

The Guidance sets out (at paragraph: 005 Reference ID: 37-005-20140306) that the Local Green Space designation is a way to "provide special protection against development for green areas". In light of the points made above the 1998 Instrument and the lease to the Town Council already operate to regulate the use of Longstrops. A designation of this land as a Local Green Space is simply not required and is not appropriate in the circumstances.

- 12.2 Secondly, the Guidance goes on to state (at paragraph: 015 Reference ID: 37-015-20140306 set out above) that the Local Green Space designation should only be used where the green area concerned is not an extensive tract of land and that blanket designation of open countryside adjacent to settlements will not be appropriate.

It is our clients' position that Longstrops is such an "extensive tract of land" and it is not appropriate to designate areas such as this as a Local Green Space.

- 12.3 Thirdly, as set out in the Guidance, a designation of Longstrops as a Local Green Space will not confer any additional public rights of access over those which exist at present and there is no need to designate "linear corridors" as Local Green Space to protect such rights of way.

- 12.4 Fourthly, it is clear that the area of Longstrops between the two fences erected by our clients in 1998 and 2000 mentioned above clearly does not satisfy the requirements of Local Green Space and should not under any circumstances be designated as part of any Local Green Space. This area does not serve any purpose to the local community and in itself has no recreational value.

If the Town Council is unwilling to remove the proposed designation of Longstrops as a Local Green Space we urge the Town Council to revise its policy maps to make it clear that this area of Longstrops located between the two fences is excluded from any such designation.

- 12.5 Fifthly, draft Policy KE5 is too restrictive in terms of managing development within the areas that it looks to designate. This policy is more restrictive than policies for managing Green Belts which places it into conflict with paragraph 101 of the NPPF. Draft Policy KE5 places a blanket restriction on development in Local Green Spaces unless it is "small in scale (in terms of height and bulk) and it is clearly demonstrated that it is required to enhance the role and function of the identified Local Green Space".



This restriction fails to take into account the contents of paragraphs 145 and 146 of the NPPF which include much more nuanced exceptions to the principle that development in such areas should be regarded as inappropriate.

In particular, our clients are concerned that draft Policy KE5 would prevent the development or improvement of appropriate facilities for outdoor sport and outdoor recreation on Longstrops. This does not appear to accord with the rationale for designating this area as a Local Green Space in the Town Council's Local Green Space Analysis & Designation Schedule (May 2019) which places weight on the recreational value of Longstrops (notwithstanding our clients' view that this is already adequately provided for by the 1998 Instrument and existing lease to the Town Council).

If the Town Council is unwilling to remove the proposed designation of Longstrops as a Local Green Space we urge the Town Council to consider revising the draft policy to include exceptions to the restriction on development commensurate with those set out in the NPPF in relation to Green Belts. The Town Council is, of course, legally required to have regard to the NPPF in the preparation of their Neighbourhood Plan.

### **13 Contribution to the achievement of sustainable development**

- 13.1 Another of the basic conditions that the Town Council must meet is to contribute to the achievement of sustainable development.
- 13.2 As the Town Council has been aware, our clients have long played an active role in seeking to ensure the sustainable development of Grange Farm, both in the design and in maintaining quality through the covenants that were imposed by KCL. Consequently our clients have no intention whatsoever of contributing to the surroundings of Grange Farm being adversely impacted by new development.
- 13.3 However, our clients are concerned that the designation of Longstrops as a Local Green Space would prevent our clients from contributing towards ensuring that any future development in Kesgrave would be sustainable.
- 13.4 Given Objective 2 in the DKNP and the Town Council's efforts to safeguard green areas which it considers require protection we know that the Town Council shall appreciate that any future developments in the vicinity of Kesgrave should benefit from easily accessible green spaces. Ensuring such accessibility may require development to be carried out on Longstrops to improve the facilities that it currently offers or otherwise. Indeed, we are concerned that the wording of draft Policy KE5 may actually prevent the Town Council from carrying out any development to improve or enhance the facilities on Millennium Playing Field that it may otherwise be permitted to do.
- 13.5 Our clients' position is that Longstrops should not be designated as a Local Green Space. Notwithstanding this, our concern is that the restrictive nature and effect of draft Policy KE5 could actually frustrate the aspirations of the Town Council and local community for the areas designated.

**Next steps**

- 14 For the reasons set out above we hope that the Town Council understands that our clients cannot support the designation of Longstrops as an area of Local Green Space and object to such a designation.
- 15 We would welcome opportunities to comment on further stages of the Town Council's neighbourhood plan making process as this progresses.

Yours faithfully

**Howes Percival LLP**

Direct Dial :  
Fax  
E-mail