

Mutford Neighbourhood Development Plan 2019-2036

**A report to East Suffolk Council on the Mutford
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by East Suffolk Council in June 2019 to carry out the independent examination of the Mutford Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 11 July 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated within two proposed settlement boundaries. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan. It has a particular focus on maintaining the rural identity of the neighbourhood area
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Mutford Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
1 August 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Mutford Neighbourhood Development Plan 2019-2036 (the 'Plan').
- 1.2 The Plan has been submitted to East Suffolk Council (ESC) by Mutford Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by ESC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both ESC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the additional evidence and maps;
- the former Waveney District Council SEA screening report;
- the ESC HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Waveney Local Plan 2014-2036;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 11 July 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised ESC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is extensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (December 2018 to January 2019). Its key strength is the way in which it sets out the key issues in a proportionate way which is then underpinned by more detailed appendices. It is a first-class model for others to follow.
- 4.3 Appendices A-D are particularly helpful in the way in which they reproduce elements of the consultation documents used throughout the plan-making process. They add life and depth to the Statement.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the initial publicity;
 - the launch of a free community newsletter;
 - the village survey;
 - the public meeting (November 2017);
 - the organisation of stands on the Plan at the village fete in July 2018;
 - the engagement with statutory organisations and local groups; and
 - the open meeting during the pre-submission consultation period (January 2019)
- 4.5 The Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.6 The Statement also provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. ESC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by ESC for a six-week period that ended on 7 June 2019. This exercise generated comments from a range of organisations as follows:

- East Suffolk Council
- Environment Agency
- Historic England
- Suffolk County Council

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Mutford. Its population in 2011 was 471 persons living in 200 houses. It was designated as a neighbourhood area on 14 September 2016. It is an irregular area running in a north-east to south-west alignment. It is located between Beccles to the west and Lowestoft to the east. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use.
- 5.2 The principal settlement in the neighbourhood area is Mutford. It has two distinctive parts. They are identified as settlement boundaries in the submitted Plan. The village is dominated by St Andrew's Church. It lies to the immediate north of the village and has extensive views to the surrounding countryside to the north of the village.
- 5.3 The remainder of the neighbourhood area consists of very attractive agricultural hinterland. The southern part of the neighbourhood area (to the south of Hulver Road/Church Road) is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Waveney Local Plan 2014 – 2036. The Local Plan sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It was adopted in March 2019.
- 5.5 The Local Plan includes a comprehensive range of policies. Within its settlement hierarchy Mutford is identified as one of a series of Smaller Villages (Policy WLP7.1). Policy WLP7.13 allocates a parcel of land for residential purposes to the north of Chapel Road.
- 5.6 The following policies in the Local Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy WLP1.2	Settlement Boundaries
Policy WLP7.1	Rural Settlement Hierarchy and Housing Growth
Policy WLP7.13	Land north of Chapel Road, Mutford
Policy WLP8.7	Small scale residential development in the countryside
Policy WLP8.13	New Employment Development
Policy WLP8.15	New Self-Catering Tourism Accommodation
Policy WLP8.23	Protection of Open Space
Policy WLP8.29	Design
Policy WLP8.32	Housing Density and Design
Policy WLP8.33	Residential Gardens and Urban Infilling
Policy WLP8.35	Landscape Character

Policy WLP8.36 Coalescence of Settlements
 Policy WLP8.37 Historic Environment

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 11 July 2019.
- 5.10 I drove into the area along the A146/B1127 from the north and west. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted its connection to the strategic road system.
- 5.11 I looked initially at St Andrew's Church. I saw its importance in the wider landscape. I took the opportunity to walk along the footpath to the north into the wider countryside. This further emphasised the significance of the Church. I looked round the churchyard. I saw that some restoration work was taking place on the boundary walls.
- 5.12 Thereafter I continued back along Church Road to the first of the two settlement boundaries. It saw its clear focus around the crossroads.
- 5.13 I then drove via Mill Lane to the second part of the village covered by a settlement boundary. In doing so I paid particular attention to the proposed area of open landscape as identified in Policy MNP1 between the two parts of the village. I saw that the main body of the village was more substantial than the area by the crossroads. I saw the way it is arranged along Mill Road and Chapel Road.
- 5.14 I took the opportunity to look at the housing allocation in the Local Plan off Chapel Road.
- 5.15 I looked carefully at the defined area of the setting of the Church (Policy MNP2) whilst I was in the village. I was also able to see the various views of the Church from within the main part of the village.
- 5.16 I finished my visit by driving around some of the outlying parts of the neighbourhood area both to the west and the east of the village. This part of the visit highlighted the importance of Mutford to its wider hinterland and the relative proximity of the neighbourhood area to Beccles to the west.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Mutford Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Waveney Local Plan 2014-2036
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its size. In particular it includes a series of policies on infill development within the two identified settlement boundaries. It includes a series of policies that seek to safeguard the quality and nature of its landscape setting. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies MNP4-7 and MNP9-10 respectively). In the social role, it includes a policy on dark skies (Policy MNP3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on rural identity (Policy MNP1) and on the setting of St Andrew's Church (Policy MNP2). The Parish Council has undertaken its own very impressive assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in East Suffolk in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement Waveney District Council (one of the two predecessor authorities of ESC) undertook a screening exercise (October 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 ESC has produced a separate Habitats Regulations Assessment (HRA) of the Plan (June 2019). It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is very thorough and comprehensive. It took appropriate account of a significant range of protected sites as listed in its Appendix 1. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.

7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.

7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.

7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.

7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.

7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.

7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-4)

7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.

7.9 The One-Minute Summary of the Plan is self-explanatory. It is also remarkably effective. Others preparing neighbourhood plans would do well in following this approach.

7.10 The Introduction comments about the development of the Plan. It also provides background information on neighbourhood planning in general, the NPPF, the Waveney Local Plan and the basic conditions.

- 7.11 Section 2 comments about the scale and nature of Mutford and a range of other matters which have influenced the preparation of the Plan. It is a very helpful context to the neighbourhood area.
- 7.12 Section 3 comments about the evidence gathered and used in the preparation of the Plan. It has a clear focus on the village survey and the public engagement processes. It overlaps with the submitted Consultation Statement.
- 7.13 Section 4 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the objectives directly stem from the Vision.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy MNP1 Rural Identity

- 7.15 This policy seeks to maintain the rural identity of Mutford. This identity is defined primarily by the relationship between the countryside and the two main built-up areas of the village.
- 7.16 The policy has the following components:
- a requirement to reinforce existing landscape character and biodiversity;
 - the use of native planting for landscaping schemes; and
 - protecting the open landscape between the two settlement boundaries.
- 7.17 I am satisfied that the policy appropriately captures the character of the neighbourhood area. The protection of the area defined on Map 3 will ensure the continued rural identity of the neighbourhood area. I recommend a modification to the final part of the policy to define the type of development and to ensure that it is capable of being applied through the development management process. As submitted the policy makes a general statement ('will be protected') rather than identify how this protection will be achieved.

Replace the penultimate paragraph with: 'Development proposals for built development will not be supported in the open landscape between the two settlements boundaries'

Policy MNP2 Conserving the setting of the Church

- 7.18 This policy seeks to conserve the setting of St Andrew's Church. It is an important and distinctive Grade I listed building. It is located outside the main body of the village and is particularly visible from the open landscape to the north.
- 7.19 The policy identifies an area of the setting of the church. I looked at the defined area when I visited the neighbourhood area. I am satisfied that it has been appropriately defined. The policy includes the following elements:

- development within the setting of the church should not have a harmful impact on its setting;
- development within the setting of the church should be accompanied by a Heritage Statement;
- a case-by-case consideration for development proposals beyond the identified setting of the Church.

7.20 I recommend a series of modifications to the policy. Several are to the detailed wording so that it has the clarity required by the NPPF. I recommend that the third part of the policy is recast. It takes account of the Parish Council's response to my clarification note on this matter.

In the first paragraph of the policy replace 'will be required to.... church – a Grade I listed building' with 'should respect the setting of the Church. Development proposals which would have an unacceptable harmful impact on its setting will not be supported'

In the second paragraph replace 'All such planning applications' with 'Development proposals within the identified setting of the Church'

Replace the third paragraph with 'Development proposals beyond the identified setting of the Church and which have an inter-visibility with the Church will be supported where they accord with other development plan policies and would not have an unacceptable harmful impact on the setting of the Church'

Policy MNP3 Dark Skies

- 7.21 This policy celebrates the dark skies environment in the neighbourhood area. It is supported by appropriate evidence.
- 7.22 The policy requires that development should respect the dark skies in the neighbourhood area. It also indicates that proposals for highway lighting will only be supported for safety reasons.
- 7.23 The second paragraph requires that all development includes a statement on how any external lighting will have regard to the dark night skies in Mutford. I recommend that this paragraph is modified. This reflects that its reference to 'all development' is disproportionate given that the vast majority of new development within the Plan period will be of a domestic nature and which will not impact on the dark skies' environment. Whilst this part of the policy is partly process-related it has a direct relationship to the initial part of the policy. It also accords with the design and format of equivalent policies in the Local Plan.
- 7.24 I also recommend detailed modifications to the first and third paragraphs of the policy so that they are capable of being applied through the development management process.

In the first paragraph add 'proposals' after 'Development'

Replace the second paragraph of the policy with: ‘Other than for householder development, development proposals should include a statement explaining how any external lighting (including its luminosity) has regard to preserving the dark night skies in the neighbourhood area.’

In the third paragraph replace ‘Proposals’ with ‘Development proposals which incorporate’

Policy MNP4 Housing Density

7.25 This policy refers to the density of proposed new housing. It seeks to add value to Policy WLP8.32 in the Local Plan. It also takes account of community feedback. It has three key elements as follows:

- that new development should reflect the density of adjacent developments
- proposed specific densities for detached and semi-detached dwellings; and
- that new development should reflect the relationship between plot sizes and building footprints.

7.26 In general terms I am satisfied that the policy meets the basic conditions. It adds local detail to that contained in the Local Plan. I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF.

In the first paragraph insert ‘residential’ between ‘new’ and ‘development’

In the second paragraph replace the two ‘this will not’ with ‘densities should not’

Replace the third paragraph with ‘New residential development should reflect the relationship between plot sizes and building footprints in the immediate vicinity of the proposed development site’

Policy MNP5 Infill development

7.27 This policy offers support to infill development within the two settlement boundaries. It seeks to ensure that the design and layout of the resulting development respects the nature of the local environment and its street scene.

7.28 The policy has been well-developed. I recommend that the policy defines the extent of any harm to existing residential amenities. This approach ensures consistency with recommended modifications to other policies in the Plan. Otherwise it meets the basic conditions.

In the second paragraph of the policy insert ‘unacceptable’ between ‘cause’ and ‘harm’

Policy MNP6 Backland development

7.29 This policy continues the approach included in Policy MNP5. In this case its focus is on backland development.

- 7.30 The policy has been well-developed. I recommend that the policy defines the extent of any harm to existing residential amenities in the first criterion. This approach ensures consistency with recommended modifications to other policies in the Plan. Otherwise it meets the basic conditions.

In the first criterion of the policy insert ‘unacceptably’ between ‘not’ and ‘harm’

Policy MNP7 Backland development and street frontage

- 7.31 This policy is a variation of Policy MNP6. In this case it resists backland development which would require the demolition of a building which contributes positively to the character of existing street frontages.

- 7.32 Whilst this policy does not identify any specific character buildings, I am satisfied that it can be applied by ESC throughout the Plan period. Plainly different proposals and different buildings will generate their own judgements on a case-by-case basis.

- 7.33 In this context I am satisfied that the policy meets the basic conditions.

Policy MNP8 Off-road parking

- 7.34 The policy sets car parking requirements within the neighbourhood area.

- 7.35 Subject to detailed modifications to the wording of the first and third parts of the policy I am satisfied that it meets the basic conditions.

In the first part of the policy replace ‘will’ with ‘should’

In the third part of the policy replace ‘The use of’ with ‘Development proposals which incorporate’

Policy MNP9 Rural tourism accommodation

- 7.36 This policy provides a context for the conversion of existing buildings outside the settlement boundaries to tourism accommodation. It is criteria-based.

- 7.37 The second criterion requires the submission of a business plan to demonstrate viability. This would not normally be required for development proposals of this type. However, paragraph 65 highlights the possibility of unsuccessful conversions becoming residential properties on a de-facto basis. As such I am satisfied that the approach taken meets the basic conditions. Nonetheless I recommend modifications so that its intention is absolutely clear.

- 7.38 The policy has a negative approach by its use of ‘will only be permitted’. I recommend a modification so that the policy takes on a positive approach. The effect of the policy remains unchanged with the incorporation of a free-standing addition to the policy.

In the opening part of the policy replace ‘will only be permitted’ with ‘will be supported’

In the second criterion (first sentence) replace ‘viability of the proposal’ with ‘viability of the tourism accommodation proposal’. In the second sentence add ‘of the proposed tourism accommodation’ after ‘assessment’

Include a free-standing paragraph at the end of the policy to read: ‘Development proposals which do not meet the criteria in the first part of this policy will not be supported’

Policy MNP10 Rural Business

- 7.39 This policy provides support for the development of small-scale employment uses within or adjacent to the two settlement boundaries. It includes four well-chosen criteria addressing environmental and parking matters.
- 7.40 As the policy offers support for such uses adjacent to the two settlement boundaries it has the ability to conflict with Policy MNP1 where such uses would fall within the defined area of open landscape in that policy. I raised the matter with the Parish Council through the clarification note process. The recommended modification reflects the Parish Council’s response on this matter.
- 7.41 I also recommend consequential modifications to the supporting text.

Replace the opening part of the policy with: ‘Development proposals for small scale employment uses within the two settlement boundaries or adjacent to either of the two settlement boundaries, except within the open landscape area defined in Policy MNP1 and as shown on Map 3 in Appendix A, will be supported provided that’

At the end of paragraph 69 add: ‘Policy MNP10 captures these matters. It offers support to the development of rural businesses within either of the two settlement boundaries or in locations which are adjacent to either of the settlement boundaries (other than where they would fall within the open landscape area as defined earlier in this Plan).

Other matters

- 7.42 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for ESC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Mutford Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to East Suffolk Council that subject to the incorporation of the modifications set out in this report that the Mutford Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Waveney District Council on 14 September 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
1 August 2019

