

# **BECCLES NEIGHBOURHOOD PLAN**

Beccles Neighbourhood Plan Examination  
A Report to  
East Suffolk Council<sup>1</sup>

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

May 2021



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<sup>1</sup> The Neighbourhood Area is located within both the East Suffolk and the Broads Authority administrative areas. As set out in this Report, the Neighbourhood Area was designated by the Broads Authority and the former Waveney District Council.

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## **1. Summary**

- 1 Subject to the recommendations within this Report, made in respect of enabling the Beccles Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
  
- 2 Taking the above into account, I find that the Beccles Neighbourhood Plan meets the basic conditions<sup>2</sup> and I recommend to East Suffolk Council that, subject to modifications, it should proceed to Referendum.

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<sup>2</sup> It is confirmed in Chapter 3 of this Report that the Beccles Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## **2. Introduction**

### **The Neighbourhood Plan**

- 3 This Report provides the findings of the examination into the Beccles Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Beccles Neighbourhood Plan Operational Group on behalf of Beccles Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by East Suffolk Council and the Broads Authority.
- 5 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Beccles Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”*

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed in Paragraph 1.7 on page 3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Beccles Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 1.6 on page 3 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Beccles Neighbourhood Area and that there is no other neighbourhood plan in place in the Beccles Neighbourhood Area.

- 9 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

#### Role of the Independent Examiner

- 10 I was appointed by East Suffolk Council, to conduct the examination of the Beccles Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have nine years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Beccles Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as "2019 – 2036."
- 18 In addition, Paragraph 1.1 of the Neighbourhood Plan states that the:  
  
*"...document represents the Neighbourhood Plan for the town of Beccles for the period 2019 to 2036."*
- 19 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 20 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 22 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Beccles Neighbourhood Plan.
- 23 However, I wrote to the Qualifying Body in order to clarify a number of matters. At the same time, in line with good practice, I provided the Qualifying Body with an opportunity to respond to representations received during the Submission consultation process.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 24 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*<sup>3</sup> following the Localism Act 2011.
- 25 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 26 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28<sup>th</sup> December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.<sup>4</sup>

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<sup>3</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

<sup>4</sup> *ibid* (same as above).



- 27 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
  - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
  - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
  - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 28 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>5</sup>
- 29 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

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<sup>5</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 30 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 31 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 32 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>6</sup>)
- 33 This process is often referred to as “screening”<sup>7</sup>. If likely environmental effects are identified, an environmental report must be prepared.

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<sup>6</sup> Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

<sup>7</sup> The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 34 East Suffolk Council produced a Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Report. This concluded that the Neighbourhood Plan:

*"...does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Local Plan (March 2019) which has been subject to Sustainability Appraisal...It is considered by East Suffolk Council...that it is not necessary for a Strategic Environmental Assessment to be undertaken..."*

- 35 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. None of the bodies disagreed with East Suffolk's conclusion above.
- 36 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information<sup>8</sup>. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 37 In the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind"* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 38 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 39 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

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<sup>8</sup> Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

40 East Suffolk Council produced a Neighbourhood Plan Habitat Regulations Assessment (HRA) Screening Statement. This recognised the presence of eleven relevant European sites within 20km of the Neighbourhood Area and assessed whether the policies of the Neighbourhood Plan give rise to the potential for a likely significant effect on any protected European site.

41 The screening report concluded that the Neighbourhood Plan will:

*“...provide policies which will be used for determining planning applications alongside the Local Plan...The Beccles Neighbourhood Plan has been prepared to be in general conformity with the relevant policies in the Local Plan and will not lead to likely significant effects on protected European sites.”*

42 None of the statutory bodies disagreed with this conclusion.

43 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance<sup>9</sup>).

44 Having completed the work that it has, East Suffolk Council has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

45 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

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<sup>9</sup> ibid, Paragraph 031 Reference ID: 11-031-20150209.

#### **4. Background Documents and the Beccles Neighbourhood Area**

##### Background Documents

- 46 In completing this examination, I have considered various information in addition to the Beccles Neighbourhood Plan.
- 47 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
  - Planning Practice Guidance (2014, as updated)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - East Suffolk Council - Waveney Local Plan (March 2019) (referred to in this Report as the "*Local Plan*")
  - The Broads Local Plan (2019) (referred to in this Report as "*the Broads Local Plan*")
  - Basic Conditions Statement
  - Consultation Statement
  - Representations received
  - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Reports
- 48 In addition, I spent an unaccompanied day visiting the Beccles Neighbourhood Area.

Beccles Neighbourhood Area

- 49 The boundary of the Beccles Neighbourhood Area is identified on a plan provided on page 4 of the Neighbourhood Plan.
- 50 The former Waveney District Council and the Broads Authority designated the Beccles Neighbourhood Area on 9<sup>th</sup> May 2017. East Suffolk Council was created in 2019 and comprises the former Districts of Suffolk Coastal and Waveney.
- 51 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **5. Public Consultation**

### **Introduction**

- 52 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 53 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Beccles Neighbourhood Plan Consultation**

- 54 A Consultation Statement was submitted to East Suffolk Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*<sup>10</sup>.
- 55 On behalf of Beccles Town Council, a Neighbourhood Plan Operational Group (NPOG) was set up in December 2016. This comprised members of the public and Town Councillors.
- 56 Further to a public meeting and to inform the plan-making process, a "Wishing Tree" was established in the local library and subsequently, the local medical centre, schools and supermarket, to gather local opinions about life in the Neighbourhood Area. This was supported by events and more than a hundred suggestions on post-it notes were collected and considered.
- 57 The NPOG published an "Objectives, Visions and Aims" document in January 2018 and a "Becclesplan" website was created. A number of Neighbourhood Plan engagement events, including various local groups and organisations, took place between February 2018 and July 2018, with questionnaires completed by attendees. The feedback gathered was analysed and summarised on the website.

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<sup>10</sup> Neighbourhood Planning (General) Regulations 2012.

- 58 The draft Neighbourhood Plan was produced and consultation took place during June 2019 and July 2019. Twenty representations were received. These were considered and amendments were made to the Neighbourhood Plan.
- 59 The Consultation Statement provides detailed information in respect of the consideration of the representations received. It demonstrates how matters raised were taken into consideration and helped to inform the plan-making process.
- 60 Further to the above, public consultation was supported by the extensive use of social media and via notices to the local press and media.
- 61 The Consultation Statement provides evidence to demonstrate that public consultation formed part of the plan-making process, that there were opportunities for people to have a say and that matters raised were duly considered.
- 62 Taking all of the above into account, I am satisfied that the consultation process complied with the neighbourhood planning regulations referred to above.



## **6. The Neighbourhood Plan – Introductory Section**

- 63 The introductory section to the Neighbourhood Plan is succinct and clear. It provides a clear introduction to the Policies that follow and includes a neat reference to the need for the Neighbourhood Plan to be considered as a whole.
- 64 The Neighbourhood Plan recognises that it can only apply to the Neighbourhood Area and for clarity, I recommend:
- **Para 1.9, change to “*The Neighbourhood Plan can...within the Parish of Beccles. The built-up area of...to this Neighbourhood Plan.*”**

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### **Community and Tourist Infrastructure and Facilities**

#### **Policy BECC1: Provision of a Community Hub in the Beccles and Worlingham Garden Neighbourhood**

- 65 In order to provide the social, recreational and cultural facilities and services the community needs, Paragraph 92 of the Framework requires planning policies to:

*“...plan positively for the provision of shared spaces, community facilities...meeting places, sports venues, open space...”*

- 66 Local Plan Policy WLP3.1 (“*Beccles and Worlingham Garden Neighbourhood*”) requires the provision of a community hub as part of the Beccles and Worlingham Neighbourhood Area.
- 67 In general terms, through its support for the provision of a community hub, Policy BECC1 is in general conformity with the development plan and has regard to the Framework.
- 68 However, there is no requirement for the community hub to be located in the Neighbourhood Area and there is evidence to demonstrate that the community hub and its facilities may fall outside of the Neighbourhood Area. Whilst this is a factor generally recognised in the supporting text, Policy BECC1 part c. appears to seek to control development outside of the Neighbourhood Area and in so doing, goes beyond the powers of the Neighbourhood Plan.
- 69 In order to take address this, I recommend:
- **Policy BECC1, delete part c.**

- **Delete Para 4.3 of the supporting text and replace with “*The Beccles and Worlingham Garden Neighbourhood is expected to deliver a community hub, including a convenience store, local shops, pre-school and a community centre. The Waveney Local Plan requires this to be provided in a central location within the Garden Neighbourhood, with good accessibility from the existing community of south Beccles.*”**
- **Delete Para 4.4**

**Policy BECC2: Community Facilities**

- 70 As noted above, the Framework supports positive planning for community facilities. In general, Policy BECC2 encourages the provision of community facilities and has regard to national policy.
- 71 The Policy commences with a reference to another development plan policy. However, the partial nature of the reference results in an incorrect interpretation of a much more detailed and nuanced policy approach. Notwithstanding this, it is not the purpose of the Neighbourhood Plan to repeat the provisions or part-provisions of other adopted policies and in any case, the development plan needs to be considered as a whole. This is a matter addressed in the recommendations below.
- 72 No indication is provided in respect of how the provision of community facilities will be *"encouraged"* and there is no basis upon which a decision maker might differentiate between *"encouragement"* and *"strong encouragement."* Consequently, the phrase *"strongly encouraged"* does not have regard to Paragraph 16 of the Framework, which requires a policies to provide clarity in respect of:
- "...how a decision maker should react to development proposals."*
- 73 A clearer approach, in land use planning terms, is recommended below.
- 74 The Policy makes a vague reference to *"disused facilities which enhance Beccles's function as a tourist town."* The only information in the Neighbourhood Plan which identifies what such things might comprise refers to public toilets. Further to a query, the Qualifying Body stated that the reference might also refer to *"unused shops in the town centre."*
- 75 I recommend:
- **Delete the wording of Policy BECC2 and replace with *"The provision of and/or improvements to the following community facilities will be supported, subject to development respecting local character, residential amenity and highway safety:***
    - a. A 'Youth...*
    - ...e. An indoor swimming pool.*
    - f. Improvements to existing community facilities.*
    - g. Proposals to bring back into active use disused facilities in Beccles town centre, including public toilets and empty shops."*

- **Para 4.14, add to second sentence “...*public facilities in the town centre.*”**
- **Para 4.14, add to third sentence “...*in the town centre, as well as the presence of empty shops. This reflects...*”**

**Policy BECC3: Beccles Tourism**

- 76 National planning guidance requires planning policies to be clear and unambiguous<sup>11</sup>:

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

- 77 Further, Paragraph 16 of the Framework requires plans to be deliverable and Paragraph 56 of the Framework sets out the national test for planning obligations:

*“Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

- 78 Whilst both national and local planning policy support sustainable tourism development, there is no national or local planning policy requirements for all development to “*protect and enhance*” any features that contribute to a “*tourism offer*.”

- 79 Policy BECC3 seeks to impose such a requirement without any detailed evidence to support this significantly different policy approach; it does so without specifying each of the “*features of Beccles that contribute to the tourism offer of the area*” and therefore appears vague; and it does so without information to demonstrate that the onerous requirements of the Policy are deliverable, or that they meet the relevant tests.

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<sup>11</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 80 As with a number of other Policies in the Neighbourhood Plan, the Policy contains an ambiguous reference to “*strong encouragement*” and this is a matter addressed in the recommendations below.
- 81 Whilst clearly, improvements to water quality would always be supported, the Neighbourhood Plan does not establish what the existing “*state of water quality of the River Waveney*” is. Further, the Neighbourhood Plan provides no detail in respect of how development might “*actively demonstrate sensitivity to the natural environment,*” or when it might be appropriate to enhance such. Consequently, it is not clear how a decision maker might assess a development proposal against Policy BECC3 part A, having regard to the requirements of Paragraph 16 of the Framework set out earlier in this Report.
- 82 Further to the above, in the absence of detail, it is not clear why “*the quantity and quality of food and drink provision*” are land use planning matters.
- 83 I recommend:
- **Delete the wording of Policy BECC3 and replace with “*Tourism development in Beccles, including the provision of moorings for tourist boating activities on the River Waveney, will be supported. Improvements to Beccles Quay, including flood control measures, increased provision of public green space on the north side and the provision of new tourist facilities, will be supported.*”**

**Policy BECC4: Hotel Accommodation**

- 84 Amongst other things, Local Plan Policy WLP8.16 (*"New Hotels and Guest Houses"*) supports the provision of new hotel accommodation in town centres.
- 85 Policy BECC4 promotes the provision of new hotel accommodation and is in general conformity with the Local Plan.
- 86 However, it is not clear, in the absence of specific detail, what the *"character of the town centre"* is. In real terms, the character of the town centre appears to be quite varied, depending upon location. This factor, along with the Policy reference to *"encouragement"* and a vague reference to the amenity of a *"use,"* are addressed in the recommendations below.
- 87 Part of the supporting text reads as though it comprises a policy requirement, which it does not and in this regard, changes to Paragraph 4.27 are recommended below.
- 88 I recommend:
- **Change the wording of Policy BECC4 to *"...town centre is supported, subject to development proposals respecting local character, residential amenity and highway safety."***
  - **Para 4.27, change to *"It is important that new hotel accommodation in Beccles respects local character and that development is not detrimental to other town centre users."***



Heritage

**Policy BECC5: Heritage and Design**

89 Chapter 15 of the Framework, *“Conserving and enhancing the historic environment,”* recognises heritage assets as an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.

90 Local Plan Policy WLP8.37 (*“Historic Environment”*) reflects national policy in establishing that:

*“Proposals for development should seek to conserve or enhance Heritage Assets and their settings.”*

91 Beccles' built environment is rich in history and its heritage assets are fundamentally important to the character of the town. This is fully recognised in the Neighbourhood Plan and in general terms, Policy BECC5 seeks to ensure that development protects the Neighbourhood Area's heritage assets.

92 However, as set out, Policy BECC5 does not have regard to national policy, as set out in Chapter 15 of the Framework and is not in general conformity with Local Plan Policy SLP8.37. Rather, the Policy introduces a very different approach to the protection of heritage assets to that established in national and local policy. It does so without the support of a comprehensive justification for such a departure.

93 Policy BECC5 seeks to *“ensure”* enhancement. This is in contrast to the national and local policy requirement for development to conserve or enhance heritage assets. Also, the Policy seeks to extend protection beyond the setting of heritage assets to *“the wider built environment”* and to *“views,”* neither of which are defined. Further, in the absence of information, it is not clear why development that does not impact on the setting of a heritage asset *“must preserve or enhance its significance.”*

94 The Policy goes on to list various requirements that are different to, or go beyond those of, national and local policy, without justification. This appears to be the result of a confusing, conflated approach to heritage and design matters. In this respect, I am mindful that design is addressed in its own Chapter of the Neighbourhood Plan and I make a recommendation in this regard below.

95 In addition to the above, as worded, the Policy sets out an overly-simplified and resultantly incorrect approach to how applications impacting upon heritage assets must be assessed, particularly in respect of the consideration of public benefits. This appears to stem from an incorrect interpretation of national policy.

96 Page 31 provides informative contextual information, but some of the supporting text appears to be worded as though it comprises a policy requirement, which it does not and this is a matter addressed below.

97 I recommend:

- **Change title of Policy BECC5 to “Heritage”**
- **Delete the wording of Policy BECC5 and replace with “*Beccles’ heritage assets and their settings must be conserved or enhanced in a manner according to their significance. Where a planning proposal affects a heritage asset, it must be accompanied by a Heritage Statement identifying, as a minimum, the significance of the asset, including any contribution made by its setting.*”**
- **Para 4.28, change second sentence to “...with tourists and why heritage is therefore an essential component of the vitality of the town.”**
- **Para 4.34, delete second sentence (“Generally....slopes.”)**
- **Para 4.35, change to “...quality of the town.” (delete rest of sentence)**
- **Delete Paras 4.36 and 4.37**

Transport and Movement

**Policy BECC6: Local Road Junctions**

98 On consideration of all of the information before me, I am mindful that there are local concerns about congestion and related impacts at various junctions throughout Beccles. However, the Highway Authority is a government body with statutory responsibilities and the Neighbourhood Plan cannot impose requirements on it.

99 Notwithstanding the above, the detailed supporting text on pages 34-37 provides important reference material gathered during the plan-making process and its retention within the Neighbourhood Plan sets out, with some clarity, locally important information. The recommendations below take this into account.

100 I recommend:

- **Delete Policy BECC6**
- **Para 5.2, change to “...Neighbourhood – is *inevitably going to have an impact on transport and movement. The above matters are recognised in the Waveney Local Plan and the Neighbourhood Plan considers: i. Junction issues, where growth could impact on traffic movements. ii. Improvements to walking and cycling, so encouraging people to not travel by car, particularly for short journeys. Access to the range...regard.*”**
- **Para 5.8, delete reference to the two junctions outside of the Neighbourhood Area**
- **Add a new Paragraph 5.9 to follow on from Para 5.8 “*The Town Council will seek to encourage actions to address any impacts from increased traffic levels on the above road junctions.*”**
- **Page 36 Figure 5.1, delete any reference from plan/key to anything outside the Neighbourhood Area**

**Policy BECC7: Key Movement Routes**

101 Chapter 9 of the Framework, "*Promoting sustainable transport,*" promotes sustainable patterns of movement and Paragraph 98 of the Framework requires planning policies to:

*"...protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users..."*

102 In general terms, Policy BECC7 promotes improvements to cycling and walking routes in the Neighbourhood Area and in this way, the Policy has regard to national policy.

103 However, as set out, the opening sentence of the Policy simply supports any form of development, so long as it improves cycling and walking. This could give rise to support for inappropriate forms of development that also happen to include improvements to cycling and walking and this is a matter addressed in the recommendations below.

104 There is no evidence to demonstrate that it would be deliverable for all development "*to ensure safe and continuous pedestrian routes that connect to the Key Movement Routes shown on the Policies Map.*" Many forms of development in the Neighbourhood Area may be small scale, for example, for household extensions or shop signage and in this respect, there is nothing to demonstrate that the requirements of Policy BECC7 part B. have regard to the national tests for planning obligations set out in Paragraph 56 of the Framework.

105 In a similar vein, there is no evidence to demonstrate that all development proposals can, or should, "*provide a strategy to mitigate the impact of additional traffic movements on the safety and flow of pedestrian and cycle access*" and consequently, the final part of the Policy does not have regard to national policy.

106 No evidence is provided to demonstrate that there are any mechanisms in place for the Neighbourhood Plan to deliver on the statement set out in Paragraph 5.15 and this is a matter addressed in the recommendations below.

107 I recommend:

- Delete the wording of Policy BECC7 and replace with ***“Improvements to cycling and walking routes, including segregated cycle and pedestrian routes accessible by people with mobility, sight and/or hearing impairments, will be supported. The delivery or improvement of routes that connect to the Key Movement Routes and/or the enhancement of the Key Movement Routes (shown on the Policies Map) will be supported. Development should not harm the safety and/or accessibility of the Key Movement Routes.”***
- Para 5.15, change to ***“Where improvements are needed, the Town Council will seek to encourage contributions, including where possible, through Section 106 agreements, the Community Infrastructure Levy and match-funding.”***

Beccles Town Centre

**Policy BECC8: Beccles Town Centre**

108 National policy, in Chapter 7 of the Framework, "*Ensuring the vitality of town centres*," recognises both the important role that town centres play at the heart of local communities and the need for their diversification:

*"...in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses..."*

(Paragraph 85, the Framework)

109 In general terms, Policy BECC8 seeks to provide for the future vitality of Beccles Town Centre and has regard to national policy.

110 Recent changes to Planning Use Classes have resulted in a new Use Class E, which enables changes from retail to other commercial uses without the need for planning permission. Also, changes to the General Permitted Development Order (GPDO) provide scope for retail uses to change to other uses, including residential, without the need for planning permission. The impacts of these changes are reflected in the recommendations below.

111 Criteria b. of Policy BECC8A is unsupported by detailed information; and Criteria c. of part A of Policy BECC8A appears subjective. As such, this part of the Policy does not provide a decision maker with clarity in respect of how to react to a development proposal, having regard to Paragraph 16 of the Framework.

112 In the absence of information, it is not clear why temporary uses "*of any premises*" would be supported, particularly for the very wide range of uses referred to, not least as this appears to give rise to a considerable degree of conflict and/or confusion with part A of Policy BECC8; and there is no information in respect of how a decision maker might assess "*excessive noise and pollution.*" As set out, Policy BECC8 could afford support to a wide range of inappropriate uses.

113 In the above regard, I am mindful that both Parts B. and C. of the Policy appear vague and ambiguous and consequently, do not have regard to Paragraph 16 of the Framework, which requires policies to be:

*"...clear and unambiguous."*

114 In the above regard, I am mindful that, as noted earlier, many changes of use do not require planning permission and the recommendations below do not, in any way, restrict the ability of Beccles Town Centre to support and provide for a range of appropriate uses, whether temporary or long-term and whether or not planning permission is required.

115 Taking this and all of the above into account, I recommend:

- **Policy BECC8, change part A to “...the change of use, where *planning permission is required*, of premises from main...that: the premises in question...Local Plan.”**
- **Delete parts b. and c.**
- **Delete parts B. and C.**
- **Para 6.5, delete last sentence (“Such...uses.”)**
- **Change Para 6.6 to “In addition, *the Town Council will seek to encourage the use of vacant premises...more generally.*”**

Health and Wellbeing

**Policy BECC9: Medical Provision in Beccles**

116 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" requires planning policies to:

*"...support the delivery of local strategies to improve health...guard against the unnecessary loss of valued facilities...ensure that...facilities and services...are retained for the benefit of the community."*

(Paragraph 92, the Framework)

117 Subject to the recommendation below, Policy BECC9 has regard to national policy and meets the basic conditions.

118 I recommend:

- **Change line 3 of Policy BECC9 to "*...new communities, will be supported, as will...*"**



Design, Regeneration and Housing

**Policy BECC10: General Design Principles**

119 National planning policy recognises that:

*“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* (Paragraph 124, the Framework)

120 Local Plan Policy WLP8.29 (*“Design”*) seeks to ensure that all development demonstrates high quality design which reflects local distinctiveness.

121 The Neighbourhood Plan recognises the importance of good design and together, Policies BECC10, BECC11 and BECC12 aim to raise design standards across the Neighbourhood Area.

122 Whilst national policy does not require all development to *“incorporate sustainable design and construction measures,”* the second part of Policy BECC10 seeks to ensure that the UK can meet its commitments to reducing carbon emissions and production of greenhouse gases. The recommendations below enable this to be achieved in a manner which meets the basic conditions.

123 Part C. of Policy BECC10 sets out a very brief interpretation of part of national and local heritage policy and this results in an approach which does not provide for the carefully balanced approach to the conservation of heritage assets provided by the development plan and national policy. It does not meet the basic conditions.

124 However, in recommending deletion of this part of the Policy, I am mindful that, subject to the recommendations earlier in this Report, Neighbourhood Plan Policy BECC5 can work together with existing national and local planning policy to ensure that Beccles' heritage assets are afforded appropriate planning policy protection.

125 Part D. of Policy BECC10 seeks to impose a requirement for all new or replacement dwellings to comply with *“Technical Housing Standards – Nationally Described Space Standards.”*

126 National planning policy establishes that a requirement for the Government's optional technical standards for accessible and adaptable housing must be supported by evidence of an identified need for such properties; and goes on to state that planning policies may make use of the nationally described space standard:

*"...where the need for an internal space standard can be justified."*

127 Policy BECC10 part D. is not supported by any substantive evidence or justification and does not meet the basic conditions. However, the recommendations below seek to provide for a more robust reference in order to ensure that sight is not lost of the Neighbourhood Plan's aims in this regard.

128 Part E. of Policy BECC10 sets out onerous requirements without providing sufficient information to demonstrate that such requirements are deliverable. Further, the requirements set out – such as views and *"features of the locality"* – appear vague and wide-ranging. The recommendations below seek to ensure that development respects local character, having regard to local features.

129 The final part of Policy BECC10 imposes an onerous requirement on all forms of development, without evidence of deliverability. However, the Qualifying Body has clarified that this part of the Policy is intended to apply to larger-scale developments only and this is taken into account in the recommendations below.

130 Part of the supporting text reads as though it comprises a policy requirement, which it does not and again, this is addressed below.

131 I recommend:

- **Change part B. of Policy BECC10 to *"The incorporation of sustainable design and construction measures into development including, where feasible, ground/air heat pumps, solar panels and grey/rainwater harvesting solutions, will be supported."***
- **Delete parts C. and D. of Policy BECC10**
- **Change part E. of Policy BECC10 to *"Major new housing development (retain footnote) must respect local topographical, natural, built and historic features and demonstrate that consideration has been given to its landscape impacts."***

- **Change part F. of Policy BECC10 to *“Major new housing development should incorporate high quality green infrastructure. This could include open spaces, parks, woodlands, allotments, play areas, green corridors and street trees.”***
- **Add new Para 8.7 below Para 8.6 *“The Town Council will seek opportunities to encourage housing developers to apply the Government’s Technical Housing Standards – Nationally Described Space Standards.”***
- **Change Para 8.4 to *“It is important for development to respect...serve Beccles. New development may have the potential to contribute...”***

**Policy BECC11: Design of Streets and Public Spaces**

- 132 As set out, Policy BECC11 appears a little confusing. As worded, it would seek to impose criteria on any form of development, as well as in circumstances where “*major regeneration of public streets*” takes place. However, the criteria set out could not apply to, or be delivered by, all forms of development and there is no evidence in the Neighbourhood Plan of any likely “*major regeneration of public streets*” in the Neighbourhood Area.
- 133 The Policy goes on to set out requirements without consideration of Paragraph 56 of the Framework in respect of planning obligations and ends with consultation requirements that are unsupported by evidence in respect of deliverability.
- 134 However, notwithstanding the above, some of the overall aims of Policy BECC11 are to support development that will enhance health and wellbeing and this has regard to Chapter 8 of the Framework, “*Promoting healthy and safe communities.*”
- 135 Taking the above into account, I recommend:
- **Delete the wording of Policy BECC11 and replace with “*The design and layout of development should consider the health and wellbeing of residents and/or users, including those with a disability. The development of segregated cycle lanes and safe highway crossing points will be supported, as will the provision of sensitively designed and located shade and shelter features, benches, tree planting and planters.*”**
  - **Add new Para 8.8 below new Para 8.7, “*Effective community engagement can perform an essential role in the development process. The Town Council will seek to encourage consultation on development proposals. In respect of proposals for shared spaces, the Town Council will encourage developers to engage at an early stage in the design process with all and will pay particular attention to encouraging early engagement with disabled people.*”**

**Policy BECC12: Multi-Value Sustainable Drainage Systems, Biodiversity and Flood Risk**

- 136 Chapter 14 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change,”* encourages the use of sustainable drainage systems (SuDS).
- 137 Policy BECC12 seeks to encourage development to provide SuDS and in so doing, it has regard to national policy.
- 138 There are numerous examples of development where SuDS will not be relevant and further to consultation, the Qualifying Body have made a suggestion to address this factor, which I have incorporated into the recommendations below.
- 139 Whilst it may be desirable in some cases, there is no substantive evidence to demonstrate that it will be appropriate or deliverable in all circumstances for SuDS provision to include *“a wide range of creative solutions.”* Similarly, there is no substantive evidence to demonstrate that SuDS can, in all cases, enhance wildlife, biodiversity and water quality. These are matters addressed in the recommendations below.
- 140 The final parts of the Policy over-simplify the sequential test set out in Chapter 14 of the Framework and refer to guidance which is beyond the control of the Neighbourhood Plan.
- 141 I recommend:
- **Change part A. of Policy BECC12 to *“Development generating water run-off should provide Sustainable Drainage Systems (SuDS) unless there is clear evidence that it would be inappropriate to do so. The use of a wide range of creative SuDS solutions, for example through the provision of SuDS as part of green spaces, green roofs, permeable surfaces and/or rain gardens, will be supported.”***
  - **Change part B. of Policy BECC12 to *“The use of SuDS to enhance wildlife, biodiversity and water quality will be supported. SuDS should capture diffuse pollution from hard surfaces to ensure that there is no deterioration in the Water Framework Direction status of the River Waveney as a result of pollution.”***

- **Change part C. of Policy BECC12 to “...value of the River Waveney will be *supported*, in order...”**
- **Delete parts D. and E. of Policy BECC12**

**Policy BECC13: Low Energy Housing Design**

142 The requirements of Policy BECC13 in respect of energy efficiency measures go beyond the requirements of national and local planning policy. No detailed evidence has been presented in justification of a departure from national or local policy and there is no detailed evidence to demonstrate that the requirements set out in Policy BECC13 have regard to Paragraph 56 of the Framework in respect of planning obligations.

143 However, notwithstanding the above, improvements to the energy efficiency of buildings can make a significant contribution to reductions in greenhouse gas emissions. Chapter 14 of the Framework states that:

*“The planning system should support the transition to a low carbon future in a changing climate...”*  
(Paragraph 148, the Framework)

144 In making the recommendations below, I am mindful of this and of the fundamental importance of addressing climate change.

145 Building Regulations are not controlled by planning policies and I also make a recommendation in this regard below.

146 Taking this into account, I recommend:

- **Change wording of Policy BECC13 to *“The incorporation of measures to actively improve the energy efficiency of buildings will be supported. This relates to the heating, cooling lighting and waste management of the buildings, as well as the opportunity for renewable energy generation on the property.”***
- **Para 8.12, delete last sentence (“All development...period.”)**

## **8. The Neighbourhood Plan: Other Matters**

147 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, paragraph and page numbering.

148 The recommendations made in this Report will also have an impact on the Policies Map on page 56 and the Inset Map on page 57.

149 I recommend:

- **Update the Contents, Policy, paragraph and page numbering to take into account the recommendations contained in this Report**
- **Policies Map: remove Local Road Junctions and related Key references; Remove any annotation/Key references to anything outside the Neighbourhood Area**
- **Inset Map: remove Local Road Junctions and related Key references**



## **9. Referendum**

150 I recommend to East Suffolk Council that, subject to the recommended modifications, **the Beccles Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

- 151 I am required to consider whether the Referendum Area should be extended beyond the Beccles Neighbourhood Area.
- 152 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 153 Consequently, I recommend that the Plan should proceed to a Referendum based on the Beccles Neighbourhood Area approved on the 9<sup>th</sup> May 2017.

**Nigel McGurk, May 2021**  
**Erimax – Land, Planning and Communities**

