

# **Bungay Neighbourhood Development Plan**

A report to East Suffolk Council and the Broads Authority of the  
Independent Examination of the Bungay Neighbourhood  
Development Plan

Copy to Bungay Town Council

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## **Summary of Main Findings**

This is the report of the Independent Examination of the Bungay Neighbourhood Development Plan that has been prepared by Bungay Town Council. The Bungay Town Council administrative area was designated by Waveney District Council, now part of East Suffolk Council, and the Broads Authority as a Neighbourhood Area on 13 April 2016. The plan period runs until 2036. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for residential development of approximately 70 dwellings.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Bungay Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Bungay Town Council (the Town Council). The Bungay Town Council administrative area was designated by Waveney District Council, now part of East Suffolk Council, and the Broads Authority as a Neighbourhood Area on 13 April 2016. The draft plan has been submitted by the Town Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Bungay Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group) made up of volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Town Council for submission to East Suffolk Council and the Broads Authority. In liaison with the Broads Authority, East Suffolk Council arranged a period of publication between 11 April 2022 and 6 June 2022 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 16 June 2022.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to East Suffolk Council and the Broads Authority including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. East Suffolk Council and

the Broads Authority will decide what action to take in response to the recommendations in this report.

6. East Suffolk Council and the Broads Authority will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the Local Planning Authorities outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless East Suffolk Council and the Broads Authority subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by East Suffolk Council and the Broads Authority with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council, East Suffolk Council and the Broads Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions, had private sector experience, and had a total of 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

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

12. Paragraph 9 of Schedule 4B to the TCPA 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”

13. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Town Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; the written representations; and an unaccompanied visit to the neighbourhood area.

14. This report has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

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

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law.

17. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

18. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

19. The Neighbourhood Plan relates to the area that was designated by East Suffolk Council and the Broads Authority on 13 April 2016. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.



20. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I am able to confirm that I am satisfied that each of these requirements has been met.
21. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period is 2020-2036. The end date of the Plan is confirmed in paragraph 4 of the Neighbourhood Plan.
22. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
23. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
24. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
25. I have only recommended modifications to the Neighbourhood Plan (**presented in bold type**) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## Documents

26. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Bungay Neighbourhood Development Plan 2020 to 2036 Submission Version March 2022
- Bungay Neighbourhood Development Plan 2020 to 2036 Statement of Basic Conditions February 2022 [In this report referred to as the Basic Conditions Statement]
- Bungay Neighbourhood Development Plan 2020 to 2036 Consultation Statement March 2022 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment Screening Opinion Determination (February 2021)
- Strategic Environmental Assessment Environmental Report (July 2021)
- Strategic Environmental Assessment Scoping Document (March 2021)
- Strategic Environmental Assessment Environmental Report (March 2022)
- Bungay Neighbourhood Plan Habitats Regulations Assessment (March 2022)
- Potential Site Allocations for Residential Development - Assessment Proforma (June 2019)
- Bungay Community Facilities (a series of maps showing locations of facilities)
- Evidence Base and Key Issues (January 2018)
- Addendum to the Evidence Base and Key Issues (February 2022)
- Bungay Housing Needs Assessment (HNA) (June 2019)
- Bungay Indicative Housing Requirement (August 2021)
- Waveney District Council - Retail and Leisure Needs Assessment 2016
- Bungay Neighbourhood Plan Design Guidelines (March 2019)
- Information available on the Bungay Town Council website
- Information available on the East Suffolk Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and East Suffolk Council, the Broads Authority and the Town Council including: the initial letter of the Independent Examiner dated 16 June 2022; the letter of the Independent Examiner seeking clarification of various matters dated 6 July 2022; and the responses of the Town Council, East Suffolk Council and the Broads Authority which I received on 20 July 2022
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- Waveney Local Plan adopted 20 March 2019
- Local Plan for the Broads - Plan period 2015 to 2036 adopted May 2019
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]

- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

27. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
28. Paragraph 8 of the Neighbourhood plan explains consultation has been undertaken through both paper and on-line surveys, in addition to formal consultations, presentations and six focus group discussions. Specific measures to determine community views and aspirations for the future growth and development of the town have included: formal public consultations at the 'Christmas' street fair in December 2016 and St Mary's Church in February 2017; public consultation at the Co-op supermarket in September 2017; consultation exercises at the Bungay Town Library in October and November 2017; consultation at the Bungay Primary School in

December 2017; the distribution of on-line questionnaires from October 2017 to January 2018; and consultation with a survey and events at the Co-op and Library on whether to allocate and potential sites for housing took place in February 2020. This was undertaken following adoption of the Waveney Local Plan (which confirmed Local Plan site allocations for Bungay) and further work had been undertaken in relation to potential sites. This early engagement informed the preparation of the pre-submission version plan.

29. In accordance with Regulation 14 the Town Council consulted on the pre-submission version of the draft Neighbourhood Plan from 10 September 2021 to 5 November 2021. The consultation on the pre-submission draft Plan and supporting documents was publicised through: a summary leaflet sent to all households in the neighbourhood area; three consultation events held at which people could drop in and read the plan and supporting documents, ask questions of the steering group and fill in the survey; hard copies of the plan available from the Town Council office or at Bungay Library, or by contacting the town clerk; all documents, including supporting evidence, available online; online survey and hardcopy survey available from the town hall or town clerk; banners and posters in key locations around the town; and an article in the Beccles and Bungay Journey advertising the consultation and making people aware how they could make representations. Neighbouring Parish Councils; the agent for owners of the proposed allocated site; and local organisations and statutory consultees were all emailed directly. The consultation resulted in 145 responses from local residents and 10 replies from other stakeholders. A table presented between pages 16 to 42 of the Consultation Statement sets out details of the representations received and a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Town Council to East Suffolk Council and the Broads Authority.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 11 April 2022 and 6 June 2022. Representations were submitted from a total of 10 different parties.
31. East Suffolk Council has submitted remarks relating to areas of general text including that relating to the housing allocation call for sites, and appendices, some of which I refer to in the Annex to my report. Specific comments refer to Policies H3; H4; TC&E1; TC&E2; ENV1; ENV2; ENV4; ENV5; TM2; and TM4. The representation also includes comment on Strategic Environmental Assessment.
32. The Broads Authority has commented on several paragraphs of general text, and advise Figure 1 should show the Broads, and Figure 5 should be adjusted. Specific comments relate to Policies H1; H3; ENV3; and ENV5.

33. Norfolk and Waveney NHS Integrated Care System (NHS Norfolk and Waveney Clinical Commissioning Group) support specific descriptive text, the approach to the use of community infrastructure levy, and Policy CM2 so far as it relates to the expansion of medical facilities. The representation suggests reference to ensuring suitable and sustainable healthcare services in Objectives 1 and 2, and states the impact of developments on healthcare services would be unsustainable if unmitigated.
34. The River Waveney Trust offer general comments on Outney Common and support further access to the river Waveney including through use of CIL. The representation includes comment on the housing policies; support for use of Skinners Meadow for a publicly accessible green corridor; and potential restoration of the river Tin higher up the catchment.
35. Suffolk County Council comment on archaeology and heritage, and aspects of the natural environment. The representation includes specific comment on Policy TM4.
36. Waveney, Lower Yare and Lothingland Internal Drainage Board (Water Management Alliance) draw attention to its published advice in particular relating to the regulatory regime and consenting process.
37. The representation of an individual suggests the establishment of an additional medical centre where parking is available, and states CIL funds should not be spent on exercise or sport related schemes. With respect to the Green Corridor the representation endorses the taking over of Skinner's Meadow and maybe even insisting the current building, barn, is refurbished. The representation of another individual comments on the plan preparation process; states building of houses on land opposite the swimming pool is not appropriate for water run-off reasons; and comments generally on the need to consider infrastructure, and in particular the combined drainage system of the town.
38. Historic England and Natural England have confirmed no specific comments on the Neighbourhood Plan.
39. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017]

EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

40. I provided the Town Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Town Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Town Council has commented on the representation of East Suffolk Council in relation to Policy H4, in particular vehicular access matters; and in relation to Policies ENV1 and H3; and with respect to paragraph 71 of the Neighbourhood Plan; and with respect to Strategic Environmental Assessment.
41. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
42. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

43. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to

national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

44. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Town Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst an Equality Screening Assessment has not been prepared from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

45. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is:

“To provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is

obliged to 'make' the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).

46. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Town Council, as the Qualifying Body, to submit to East Suffolk Council and the Broads Authority either 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.

47. The submission documents include:

- Strategic Environmental Assessment Screening Opinion Determination (February 2021)
- Strategic Environmental Assessment Scoping Document (March 2021)
- Strategic Environmental Assessment Environmental Report (July 2021)
- Strategic Environmental Assessment Environmental Report (March 2022)
- Habitats Regulations Assessment (March 2022)

48. In a Regulation 16 representation East Suffolk Council state:

“These comments relate to the submitted SEA Environmental Report (March 2022). The Council has provided feedback on the SEA of the Bungay Neighbourhood Plan, to support the Neighbourhood Plan group, during the production of the Plan. As part of this, the Council provided comments on the SEA in response to the Regulation 14 consultation where the SEA Environmental Report dated July 2021 was published. The Examiner should note that the SEA comments included in the submitted Consultation Statement are those which the Council provided in March 2022, after the Regulation 14 consultation, as part of its feedback on the draft Regulation 15 Submission documents. The Council's comments on the July 2021 SEA Report, submitted in response to the Regulation 14 consultation, are therefore appended to this response below. The Examiner will be aware from the Regulation 14 comments attached, and from the further comments made in March 2022 that are included on pages 36-40 of the Consultation Statement, that the Council has previously made a number of comments on the SEA Report. This included comments in relation to how the alternative site had been assessed and the approach to consideration of alternatives, as well as a number of other more detailed points. In order to support the preparation and implementation of the Neighbourhood Plan, the SEA Report should provide a full and robust assessment of the plan and alternatives, and the Council anticipates that the Examiner will give consideration to these matters in examining the Neighbourhood Plan.”

49. The Town Council has commented on the representation of East Suffolk Council as follows:



“This alludes to the preference for the SEA to have assessed each potential site separately. Previously ESC has said that, “...each alternative site should be assessed specifically against each of the SEA objectives and questions. Whilst detailed assessments of the policies have been included in Appendix C there doesn’t appear to be any equivalent detailed assessments of the sites individually and the reasonable alternatives – these need to be included so that it is clear how they perform against the SEA framework and therefore what has informed the description of the effects.” As set out in the Consultation Statement, we feel the approach taken, to assess each of the reasonable alternatives against the relevant SEA themes, meets the legal requirements without including detailed assessments against each of the SEA objectives and questions. No feedback was received from the statutory consultees in relation to the approach not meeting the requirements. We have spoken with AECOM, the framework consultancy used by Locality to carry out SEAs on neighbourhood plans across England, and they confirmed that our approach is the same as the one they use, and that the approach used by some LPAs, such as ESC, is out-dated. AECOM SEAs have supported a large number of neighbourhood plans that have successfully passed their examinations. Another reason for our adding 209/H4, is that we have argued that the capacity of the present attenuation pond is for the 150 homes of phase one of the building and that more land on WLP5.1 will be needed for attenuation for the rest of the allocation on WLP5.2, thereby rendering building 85 homes on WLP5.1 unrealistic. H4 provides more space than would be needed for the displaced 85 houses, allowing further expansion of the numbers to be built.”

50. The Strategic Environmental Assessment Screening Opinion Determination (February 2021) concluded the Neighbourhood Plan is screened in for the requirement for SEA. A Strategic Environmental Assessment Scoping Document (March 2021) was produced establishing a proposed SEA framework.
51. A Strategic Environmental Assessment Environmental Report (July 2021) made three recommendations designed to minimise the potential for negative effects and maximise the potential for positive effects in relation to the three SEA themes of biodiversity; water resources, soil and land; and historic environment. Detailed comments were submitted by East Suffolk Council to Bungay Town Council on 29th October 2021 as part of a Regulation 14 response. The level of detail in the comments provided demonstrate that East Suffolk Council has clearly fulfilled its duty to advise and assist the Town Council.
52. The comments of East Suffolk Council at Regulation 16 stage relating to SEA draw particular attention to how the alternative housing allocation site had been assessed, and the approach to consideration of alternatives. The East Suffolk Council comments at Regulation 14 stage had stated the alternatives do not appear to be

significantly different; that there should be explanation of why alternatives had been chosen; and full assessments are not included in the report.

53. The Strategic Environmental Assessment Environmental Report (March 2022), hereafter referred to as the SEA report, seeks to address assessment of reasonable alternatives in relation to the location of additional housing growth. Paragraph 69 of the SEA report states:

“To explore potential site options for allocation the Neighbourhood Plan group have tested a number of sites around Bungay. Each of these sites were identified through East Suffolk (Waveney) District Council call for sites in 2015. Following work locally to establish that these sites were still being promoted by the landowner, a detailed technical site assessment was conducted by Small Fish Strategy Consultants in June 2019 which appraised four identified site options. The Potential Site Allocations for Residential Development - Assessment Proforma (June 2019) document submitted to support the Neighbourhood Plan and referenced in the SEA report provides details of the assessment of four sites known to be suitable, available and achievable following identification through Local Plan preparation work. Of the four sites assessed, two are either suitable or potentially suitable for allocation in BNDP, see Figures 4 and 5. The other two sites were found to be unsuitable for allocation due to the level of constraint affecting each one.”

Given the significance of the site assessment proforma document, rather than merely being referred to in a footnote providing an electronic link, I have recommended the ‘Potential Site Allocations for Residential Development - Assessment Proforma’ (June 2019) document should be included in the SEA report as an appendix.

54. The explanation why the potential of only two sites was explored in the formulation of alternatives is summarised in paragraph 74 of the SEA report. East Suffolk Council has stated there is little information on the process or outcomes of a call for housing sites carried out by the Neighbourhood Plan Steering Group in 2020. In response to my request for clarification the Parish Council has explained:

“The consultation on the sites that had been assessed included a ‘Call for Sites’ to check whether there were any alternative potential sites available that people could suggest. This was advertised on the BNDP website and on the town council website. Notices were put up at locations in the town, and word of mouth helped to spread the news. Stands that were manned were erected at the co-op and library on specific dates which were advertised across the parish. The Call for Sites element took a modest approach, simply asking people to suggest potential sites and identify the location of them, ideally with a supporting map. This was felt to be a sufficient and proportionate method bearing in mind that:

- Some sites had already been assessed by an independent consultant for the NP group, and this process had identified a suitable site;
- The NP group could think of no other suitable parcel of land;
- The Group did not want to deter people from suggesting sites by virtue of requiring onerous amounts of information; and
- Bungay is very constrained, especially by flood risk (see Appendix B), which limits suitable sites.

A small number of sites were suggested. Two were not specific sites or locations. The others were within the development boundary and so benefit from a presumption in favour of development anyway. Most were brownfield sites and so again should potentially secure permission given the strength of support in the NPPF, which is to give substantial weight to proposals for housing on brownfield land within settlements. Sites, or at least the developable area of them, were also generally too small for allocation, being below 0.5ha, which is a common lower threshold used in local plans, chosen so as to trigger the provision of affordable housing, which is desperately needed. There were also more detailed constraints pertaining to some sites. On this basis, it was decided that there would be no benefit in carrying out a detailed assessment and reconsulting or considering allocating any of the sites put forward following the February 2020 consultation.”

55. East Suffolk Council have stated:

“Bungay Town Council have shared their proposed response to this matter with East Suffolk Council and we have no objections to the proposed wording. In assessing whether the plan meets the Basic Conditions it is expected that the Examiner will satisfy themselves that the call for sites process described is appropriate and has due regard to the Housing and Economic Land Availability Assessment section of the National Planning Practice Guidance.”

The Guidance states neighbourhood planning bodies may use the method set out in this guidance to assess sites but any assessment needs to be proportionate to the nature of the plan. Neighbourhood planning bodies may also make use of existing site assessments prepared by the local planning authority as a starting point when identifying sites to allocate within a neighbourhood plan. The Guidance also states neighbourhood planning bodies may use other approaches. In this respect I consider the call for sites was proportionate and appropriate in the context of the preparation of the Neighbourhood Plan.

56. In addition to the explanation of the call for sites presented above, which I have recommended should be included in paragraph 70 of the Neighbourhood Plan, the Town Council has also provided a more detailed explanation regarding the whole site selection and assessment process suggesting this could potentially be included as an appendix in the BNDP. I do not consider it necessary to include that detailed

explanation as an appendix of the Neighbourhood Plan however I have taken that information into account in preparing this report of independent examination.

57. The Guidance states:

“The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan” and “reasonable alternatives are the different realistic options considered in developing the policies in the plan. They need to be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made. However, it may be that the strategic policies for the neighbourhood area limit the alternatives that can realistically be considered.”

58. An environmental report for the purpose of the regulations must identify, describe and evaluate the likely significant effects on the environment of implementing the neighbourhood plan policies and of the reasonable alternatives taking into account the objectives and geographical scope of the neighbourhood plan. The objectives of the Neighbourhood Plan, in particular objectives 7 and 8 relating to the natural environment including the Broads, and to flood risk are important in this respect. In terms of geographical scope, realistic alternatives are heavily constrained by the location of a significant part of the Neighbourhood Area being contained within the Broads area, and by other environmental considerations not least flood risk; ecology; landscape quality and sensitivity; and important open space. A rating of the land between Pilgrims Way and Wingfield Street, and the land south of Mountbatten Road, is presented in Figure 6 of the SEA report and described in paragraph 75 of the SEA report. The SEA report has considered reasonable alternatives for the allocation of land for housing development taking into account what land is known to be available, and the limitations arising from strategic policies for the Neighbourhood Area. The assessment of reasonable alternatives and the development of a preferred approach with respect to a housing allocation is adequately explained in the Environmental Report.

59. A full appraisal of each of the draft policies of the Neighbourhood Plan against the SEA framework is set out in Appendix C of the SEA report, and a summary of impacts against each theme is set out in paragraphs 129 to 175 of the report, and cumulative effects have also been considered. The SEA report concluded the Neighbourhood Plan will have positive or neutral impacts on all but two SEA themes. Those two themes were ‘water resources, soil and land’, and ‘accessibility and transport’. The report recommended mitigations which seek to minimise the potential for negative effects and maximise the potential for positive effects in relation to the relevant SEA themes. The SEA report states at paragraph 182 that each of the

recommended mitigation measures have been incorporated into the submission version Neighbourhood Plan. The SEA report has been published alongside the Neighbourhood Plan during the Regulation 16 publicity period. Statutory consultation bodies have not objected to any element of the SEA report. I have noted East Suffolk Council has suggested some additional minor adjustments should be made to the SEA report and I deal with those in the Annex to my report.

60. In response to my request for clarification East Suffolk Council stated:

“In relation to the Examiner’s comments on the SEA, we agree that for Neighbourhood Plans there may be limited scope for alternatives and we appreciate the additional explanation that has been added to the SEA Report (largely paragraphs 74-78) since the July 2021 version which helps to explain this in the context of Bungay. We are of the view however that, related to the Examiner’s comments, some acknowledgement could be given to the likely very marginal differences in SEA terms between 65 and 70 dwellings on site BNDP04”.

In this respect it is the case that there is only marginal difference between options for 65 and 70 dwellings on site BNDP04 however as I have identified there are strategic planning policy and locational constraints that severely limit realistic options available. East Suffolk Council also note that:

“The Examiner has recommended including the Site Assessment Proforma document as an Appendix to the SEA Report. We have no objections to this, and agree this seems a sensible approach. However, the SEA Report does not appear to be fully consistent when explaining the conclusions of the Proforma. Paragraph 69 and Figure 4 suggest that the conclusion for BNDP03 was that it was potentially suitable whereas in fact it received a ‘Red’ rating. Some brief additional/altered text in paragraph 69 would help to clarify that it is a smaller part of the site that was considered potentially suitable for assessment in the SEA. In relation to the assessments themselves, it is noted that following the Council’s comments on the July 2021 SEA Report, Appendix C was included which shows the detailed assessment of each of the policies against the SEA framework and this is welcomed. This relates to the requirement to ‘identify, describe and evaluate the likely significant effects’, as quoted in the Examiner’s note. The inclusion of an equivalent table in the SEA Report would demonstrate that the alternatives have also been assessed against the SEA framework and that this assessment has informed the commentary in paragraphs 79-112, and therefore that the requirements for SEA have been met.”

I agree with the suggestion of East Suffolk Council in these respects and have recommended modifications so that the Neighbourhood Plan has sufficient regard for national policy.

61. Subject to recommended modification 1 below I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

**Recommended modification 1:**

- **Include further details of the call for housing sites, and outcome, in paragraph 70 of the Neighbourhood Plan, and in the SEA Report.**
- **Include additional/altered text in paragraph 69 of the SEA report to clarify that it is a smaller part of the site that was considered potentially suitable for assessment in the SEA.**
- **Include in the SEA report a table which shows the detailed assessment of each of the alternatives (as contained in Figure 7 of the SEA report) against the SEA framework.**
- **Include the 'Potential Site Allocations for Residential Development - Assessment Proforma (June 2019)' document as an appendix to the SEA report.**

62. The Habitats Regulations Assessment (March 2022) investigated whether any part of the Neighbourhood Plan could result in likely significant effects and where applicable adverse effects on the integrity of the European Sites at The Broads SAC and the Broadland SPA/Ramsar. The impact pathway 'recreational pressure' was screened in during the likely significant section due to three policies (H4, CH2 and TC&E2) however in the Appropriate Assessment it was determined the Neighbourhood Plan would not lead to significant increase in impacts from increased recreational pressure within any of the European Sites as the single site allocation and any potential tourism accommodation lie over 15km from the closest publicly accessible part of the SAC or SPA/Ramsar. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

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

64. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude 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.

65. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood

plan submitted to it have been met in order for the draft neighbourhood plan to progress. East Suffolk Council and the Broads Authority as Local Planning Authorities must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

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

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

66. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
67. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
68. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 24 June 2021. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.
69. Figure 2 of the Basic Conditions Statement sets out an explanation of how the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.

70. The Neighbourhood Plan includes in part 3.1 a positive vision for Bungay with economic, social and environmental dimensions. Part 3.2 of the Neighbourhood Plan sets out eight objectives that help support delivery of the vision. The objectives, which provide a framework for the policies that have been developed, include economic dimensions (meeting infrastructure needs, vitality and regeneration of the town centre, visitor attraction), and social components (meeting housing needs, protect and enhance community and public facilities and services, walking and cycling), whilst also referring to environmental considerations (preserving built character, quality and enjoyment of the natural environment, managing flood risk). Part 3 of the Neighbourhood Plan also includes a Climate Change Statement that highlights the relevance of Policies TM5 and ENV4 as well as the focus on flood risk and drainage within the plan.

71. The Neighbourhood Plan includes seven community actions, being matters that the local community and Town Council will lead on. These tasks are presented under 16 headings and refer to a range of matters. Paragraph 33 of the Neighbourhood Plan explains the community actions are not strictly planning related but important enough to include in the Neighbourhood Plan. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states:

“Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”.

The actions are presented in green background text boxes that are easily distinguished from the blue background text boxes used to present the policies of the Neighbourhood Plan. I am satisfied the community actions are adequately distinguished from the policies of the Neighbourhood Plan. I am also satisfied that paragraph 33 of the Neighbourhood Plan makes it clear the community actions are not planning policies. The community actions do not form part of the Neighbourhood Development Plan. I can confirm the community actions have not been subject to Independent Examination.

72. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have



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

73. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states:

"This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions".

74. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

75. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 4 of the Basic Conditions Statement demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

76. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the

Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Allocate land for development of approximately 70 dwellings;
- Ensure all new housing is appropriately designed and is of a type that meets local housing needs;
- Ensure identified important community services and facilities are available;
- Ensure heritage assets are conserved;
- Maintain a thriving Town Centre and ensure the scale and location of new tourism accommodation is appropriate;
- Maintain an identified green corridor, and ensure new open space achieves biodiversity net gain;
- Ensure new development is appropriate in terms of landscape character, biodiversity or geodiversity in particular with respect to identified sites;
- Ensure new development incorporates necessary sustainable drainage systems;
- Ensure adequate parking provision is made and that HGV movement is considered in development proposals where appropriate; and
- Ensure sustainable transport and highway safety.

77. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

78. The Framework states neighbourhood plans should:

“Support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”.

Plans should make explicit which policies are strategic policies.

“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans

should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

79. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). East Suffolk Council has confirmed the Development Plan applying in the Neighbourhood Area and relevant to the Neighbourhood Plan comprises the Waveney Local Plan adopted 20 March 2019, and the Local Plan for the Broads - Plan period 2015 to 2036 adopted May 2019.

80. The Guidance states:

“A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”

East Suffolk Council has confirmed to me that all the policies of the Waveney Local Plan and those policies marked with the suffix SP in the Broads Local Plan are strategic polices for the purposes of neighbourhood planning.

81. The Broads Authority is reviewing the Local Plan for the Broads. Work has commenced and the latest timeline for production of a revised plan anticipates adoption in the autumn of 2024. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging review of the Local Plan for the Broads is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states

“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.

82. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

83. The Guidance states:

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

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

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

84. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Figure 3 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

85. The Neighbourhood Plan includes 25 policies as follows:

Policy H1 Design Principles for New Residential Development

Policy H2 Housing Mix

Policy H3 Affordable Housing

Policy H4 Land to the east of St Margaret’s Road

Policy CM1 Community Hub

Policy CM2 Bungay Medical Centre

Policy CM3 Sports Facilities

Policy CM4 Pre-School Education

Policy CM5 Community Education

Policy CH1 Conservation Area  
Policy CH2 The King's Head  
Policy CH3 Bungay Castle  
Policy CH4 Heritage Statements  
Policy TC&E1 Town Centre vitality  
Policy TC&E2 Tourism accommodation in Bungay town  
Policy TC&E3 Employment Growth and HGV traffic  
Policy ENV1 Green Corridor  
Policy ENV2 Open Space  
Policy ENV3 Landscape and Ecological Character  
Policy ENV4 Biodiversity  
Policy ENV5 Flooding  
Policy TM1 Parking Standards for New Residential Development  
Policy TM2 Off-street public car parking  
Policy TM3 HGVs in the town centre  
Policy TM4 Sustainable transport and highway safety

86. Paragraph 29 of the Framework states:

“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, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

87. Paragraph 15 of the Framework states:

“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

88. Paragraph 16 of the Framework states:

“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly

written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

89. The Guidance states:

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

“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

A neighbourhood plan should contain policies for the development and use of land.

“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”.

“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”

90. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is 'made' they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy H1 Design Principles for New Residential Development**

91. This policy seeks to establish design principles for new residential development.

92. Paragraph 127 of the Framework states:

“Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”.

Policy H1 has regard for paragraph 130 of the Framework which sets out design principles of development that planning policies should ensure. In particular the policy has regard for paragraph 130 of the Framework which states planning policies should ensure developments are sympathetic to local character and history. The policy is not overly prescriptive and will not prevent or discourage appropriate innovation or change.

93. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021. The design criteria set out in Policy H1 reflect the approach and principles recommended in national policy.

94. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following:

“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”.

I have recommended deletion of the first sentence of part c and modification of part n so that the policy has sufficient regard for national policy.

95. The Broads Authority has confirmed the policy can apply to the Broads. I have recommended the second paragraph of the policy is modified in this respect which will also delete the incorrect word “accept” in the same paragraph. I agree with the Broads Authority that the term “navigation” has the potential to confuse as the water near Bungay is not navigable. The reference in the final sentence should use the correct title for the document. The ‘Note’ presented immediately below the policy text box is of such importance in the implementation of the policy that I have recommended it is included within the policy text. I have recommended these modifications so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I refer to the modification of supporting text paragraph 49 in the Annex to my report.
96. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.29 and SP3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
97. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

## **Recommended modification 2:**

### **In Policy H1**

- **in the second paragraph delete “accept that within the Broads Authority Area”**
- **delete the first sentence of part c**
- **in part e replace “support navigation” with “help people find their way around”**
- **replace part n with “Proposals that maximise the potential for energy efficiency will be supported”**
- **in the final sentence replace “2019 Design Guidance” with “Bungay Neighbourhood Plan Design Guidelines 2019 or later version”**
- **include the Note within the policy text box.**

### **Policy H2 Housing Mix**

98. This policy seeks to establish new housing developments should provide a housing mix that meets the needs of the community and refers to different types of proposals.



99. The policy has regard for paragraphs 61 and 62 of the Framework with respect to meeting identified local housing needs. The terms “significant weight will be given” and “encouraged” do not provide a basis for the determination of development proposals. I have recommended modifications in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

100. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policy WLP8.1 and SP15. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies, in particular strategic policies WLP8.1 and SP15.

101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 3:**

#### **In Policy H2**

- **replace “Significant weight” with “Support”**
- **replace “encouraged” with “supported”**

### **Policy H3 Affordable Housing**

102. This policy seeks to establish support but not a requirement for affordable housing in schemes fewer than 10 dwellings. The policy also seeks to influence tenure split, and establish conditional support for First Homes exception sites.

103. In a representation East Suffolk Council state:

“Final paragraph, criterion B: The neighbourhood plan seems to aim for first homes exception developments that relate strongly to the built-up area. This could be effectively achieved by using wording in the policy such as ‘adjacent’, ‘abutting’, ‘forming a strong, positive relationship with’, or ‘resulting in a continuous pattern of development’. This would allow judgements would be made as appropriate when dealing with planning applications to achieve this aim and balance other material factors. The landscape around Bungay is sensitive in many areas, as evidenced in the Great Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study (2016), therefore care is needed with where and how development takes place

around the edge of the built-up area of Bungay. Applying a blanket 50m allowance throughout the neighbourhood area could allow developments that are needlessly separated from the settlement boundary, and which would be detrimental to the landscape in some locations. There is a concern that the 50m allowance in the policy does not have the underpinning evidence and justification required for an effective policy.”

104. In a representation East Suffolk Council also state:

“This section of the plan identifies a very high need for affordable rented homes and the second paragraph of the policy requires 90% of Affordable homes to be provided affordable rent. However, the exception site element in the final paragraph of the policy allows only for First Homes to be provided. Restricting exceptions sites to First Homes only seems incongruous with the identified high need for affordable rented homes.”

105. In response to my request for clarification with respect to this matter:

- The Broads Authority draw attention to paragraph 025 reference ID: 70-025-20210524 of the Guidance which states First Home exception sites cannot come forward within the Broads Authority area. The Broads Authority also state “It is worth, however, putting a marker down with regards to any changes to the First Homes policy (policy H3), as follows. We did not comment on this policy, as First Homes are not permitted in the Broads (see below), although of course, as per the NPPF, any development needs to consider and address the setting of the Broads (NPPF 176). However, if the policy is changed, we would wish to reserve the opportunity to comment, especially in terms of the location criteria and any potential impact on the Broads.”

- The Town Council state:

“Agree with Examiner’s interpretation in that the policy supporting First Homes Exception Sites has no impact on the determination of any proposals for Rural Exception Sites. However, it is our understanding that as things stand, Bungay, being a market town with a population of over 5,000 people, would not be an acceptable parish for Rural Exception Sites. Local plan policy WLP8.6 ‘Affordable Housing in the Countryside’ sets out the circumstances when Affordable Housing can be developed outside of the settlement boundaries designated in the local plan (i.e., in the countryside). This policy allows for Affordable Housing development adjacent to villages or other rural settlements within the countryside (and Corton). Bungay, being a market town, does not qualify. There are no other means in the local plan for Affordable Housing to be delivered on a rural exception site basis.

Accordingly, rural exception sites, which could deliver Affordable Homes to rent in response to the need established in the neighbourhood plan and the evidence base, cannot come forward in the East Suffolk part of the neighbourhood area under either local or national policy. Indeed, this is one of the reasons why Policy H3 sets out that First Homes exception sites will be encouraged, because the group felt strongly about trying to help local people have their own home and stay in the community and Rural Exception Sites could not provide this. ESC has brought to our attention a policy in the Reydon NP. Similar to Bungay, Reydon does not qualify for rural exception developments. However, in their neighbourhood plan they included policy RNP3 which allows for Affordable Housing development to take place on the edge of the village (subject to criteria). It appears that this could after all have been an option, but we are where we are, and the NP group is content to see Policy H3 stay as it is.”

- East Suffolk Council state:

“Local Plan policy WLP8.6 ‘Affordable Housing in the Countryside’ sets out the circumstances when Affordable Housing can be developed outside of the settlement boundaries designated in the local plan (i.e., in the countryside). This policy allows for Affordable Housing development adjacent to villages or other rural settlements within the countryside (and Corton). Bungay, being a market town, does not qualify. There are no other means in the local plan for Affordable Housing to be delivered on an exception site basis. Accordingly, rural exception sites, which could deliver Affordable Homes to rent in response to the need established in the neighbourhood plan and the evidence base, cannot come forward in the East Suffolk part of the neighbourhood area under either local or national policy. In testing the need for Affordable Housing routes to home ownership, the neighbourhood plan’s Housing Needs Assessment recommends that these make up just 10% of the Affordable Housing tenure split (the remaining 90% being Affordable Housing for rent). As such, this final paragraph of the policy remains at odds with meeting the plan’s stated high need for Affordable Homes to rent and is discordant with the middle paragraph of the policy itself. We have referred Bungay Town Council to another made neighbourhood plan in East Suffolk (the Reydon Neighbourhood Plan) which contains a policy allowing Affordable Housing to take place on the edge of a village where, similar to Bungay, local and national policy would not otherwise allow for this. The Town Council seem to be sympathetic to this type of policy (their pre-submission version of the plan followed a similar approach) and East Suffolk Council would also consider a suitably worded policy of this type in a sympathetic way.”

I have earlier in my report explained my role is to determine whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. My role does not extend to consider whether some alternative plan would result in a more sustainable solution. My role is limited to that defined in the Regulations. I may only recommend modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. There is no requirement for the Neighbourhood Plan to include a policy allowing affordable housing outside the settlement boundary. A recommendation of a modification to newly insert policy text of this nature would be outside my remit.

106. I am satisfied the first paragraph of Policy H3 has sufficient regard for paragraph 64 of the Framework which states “provision of affordable housing should not be sought for residential developments that are not major developments”, however, the term “strongly” does not provide a basis for the determination of development proposals. I am satisfied the second paragraph of Policy H3 has sufficient regard for paragraph 63 of the Framework which requires the type of affordable housing to be specified. Footnote 36 of the Framework states entry-level exception sites should not be permitted within the Broads Authority, and paragraph 176 of the Framework requires development within the setting of the Broads Authority to be sensitively located and designed to avoid or minimise impact on the designated area. The final paragraph of the policy does not have sufficient regard for national policy in these respects. It is inappropriate to use the term “permitted” as paragraph 2 of the Framework requires material considerations to be taken into account. The precise distance of 50m has not been adequately justified. I have recommended use of a term that has sufficient regard for paragraph 72 of the Framework which states entry level exception sites should be adjacent to existing settlements. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

107. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policy WLP8.2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

## **Recommended modification 4:**

### **In Policy H3**

- **in the first paragraph delete “strongly”**
- **in the third paragraph:**
  - **after “boundary” insert “and not within the Broads Authority area”**
  - **replace “permitted” with “supported”**
  - **replace part b with “It is situated adjacent to the existing settlement”**
  - **insert “and” at the end of part c**
  - **insert part d “If it is situated within the setting of the Broads Authority area it must be located and designed to avoid or minimise impact on the designated area.”**

### **Policy H4 Land to the east of St Margaret’s Road**

109. This policy seeks to allocate 4.5 hectares of land east of St Margaret’s Road for the development of approximately 70 dwellings, open space, landscaping and biodiversity enhancement. The policy seeks to establish site-specific criteria for development.

110. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. Whilst paragraph 70 of the Framework states Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require Neighbourhood Plans to allocate sites for housing. The Guidance states:

“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”

“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”

“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”

111. Paragraph 14 of the Framework confers a limited protection on Neighbourhood Plans which plan for housing where certain criteria are met. To benefit from the protection conferred by Paragraph 14 a Neighbourhood Plan would need to plan for housing through policies and allocations to meet the identified (or indicative) housing requirement in full, including possible allowance for some windfall development.
112. The Neighbourhood Plan submission documents include a comprehensive ‘Indicative Housing Requirement – Bungay Neighbourhood Plan’ document prepared in August 2021 by East Suffolk Council. That document confirms the indicative housing requirement for the part of the Neighbourhood Area in the Broads is zero. I have recommended paragraphs 43 and 79 of the Neighbourhood Plan should confirm this so that the Neighbourhood Plan “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. Paragraph 79 and embedded table of the Neighbourhood Plan explain East Suffolk Council has provided an indicative housing requirement of 67 dwellings for Bungay taking account of completions, permissions, and two housing land allocations of the Waveney Local Plan (WLP5.1 and WLP5.2). Paragraph 41 of the Neighbourhood Plan recognises there are likely to be windfall developments but nevertheless the Neighbourhood Plan includes an allocation of land in Policy H4 providing for approximately 70 dwellings on land to the east of St Margaret’s Road. This allocation alone exceeds the indicative housing requirement provided by East Suffolk Council. The approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the

Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.

113. I have noted the submitted 'Potential Site Allocations for Residential Development - Assessment Proforma (June 2019)' assesses, against an appropriate range of criteria, alternative sites for housing development known to be suitable, available and achievable, and recommends only the site ultimately allocated in Policy H4 should be taken forward. I have considered the broader site selection process when examining the SEA documents earlier in my report. No alternative sites have been suggested or promoted in Regulation 16 representations. I am satisfied the allocation of land in Policy H4 will lead to sustainable development and meets the Basic Conditions.

114. East Suffolk Council state:

"The land allocated for housing by policy H4 requires access across more than one site, including over third-party land. The Council would want to be confident that there is agreement on the principal of this access amongst those involved if this site is to be allocated for development. The neighbourhood plan and/or supporting documents should provide clear evidence of suitable access arrangements. The evidence presented so far (such as the site assessment proforma) does not fully address this matter."

115. The Town Council has explained the Local Plan housing land allocation WLP5.2 is in two land ownerships and that one of those ownerships has access to St John's Road whilst the second ownership requires access across the first ownership to reach the St John's Road highway. Development of the whole of WLP5.2 therefore requires an agreement between the two landowners. The allocation WLP5.2 has been through a thorough Examination in Public for the local plan and found to be deliverable.

116. The Town Council further explain the land allocated in Policy H4 immediately adjoins, and is in the same land ownership as, the second ownership and state:

"Access from H4 into that part of WLP5.2 is therefore straightforward. As WLP5.2 can be delivered as determined by the Examination in Public and as repeatedly confirmed by ESC officers, then it follows that the matter of access to H4 from St Johns Road should not be an issue as access is really only required from H4 to the adjoining part of WLP5.2, which is in the same land ownership and which can be delivered through the local plan. ESC has seemed to intimate that even then there could be an access issue as H4 will still require access over third-party land. This is not the case. When WLP5.2 is developed in whole or in part, the access route over the third-party land to St Johns Road will become public highway and so in public ownership. The highway authority will have a statutory duty to allow H4 access via

that public road onto St Johns Road. H4 will therefore not at any point require access over third-party land, and even if it did this would be addressed through the delivery of WLP5.2.”

Notwithstanding the fact delivery of allocation WLP5.2 and allocation H4 are dependent on the co-operation of two landowners I have seen nothing to dissuade me from the conclusion there is a reasonable expectation Local Plan allocation WLP5.2 will be delivered in its entirety, and that allocation H4 will in turn be delivered within the Neighbourhood Plan period to 2036. Should this prove not to be the case it will be open to the Town Council to undertake a review of the Neighbourhood Plan during the 14 years of the plan period currently remaining. Such a review could consider any updated circumstances relating to the preferred access via allocation WLP5.2 and St Johns Road.

117. With respect to part e of Policy H4 relating to vehicular access to the allocated site East Suffolk Council has stated:

“Vehicular access from St Johns Hill is viewed as the only appropriate access for this site. Other surrounding roads would not be suitable. Therefore, access from other locations is not supported and the removal of “if possible,” is recommended.”

Paragraph 110 of the Framework states:

“In assessing sites that may be allocated for development in plans it should be ensured that safe and suitable access to the site can be achieved for all users.”

I have not been persuaded that safe and suitable access to land allocation H4 can be achieved other than via allocation WLP5.2 and St Johns Road. In response to my request for clarification both East Suffolk Council and the Town Council have agreed the reference in part e of the policy should be to St John Road. I have recommended an appropriate modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

118. With respect to part a of Policy H4 East Suffolk Council has commented:

“Masterplanning for this site and the neighbouring WLP5.2 site is supported. However, if site WLP5.2 is permitted/delivered ahead of this site then it may not be possible for the WLP5.2 and H4 sites to undergo a joint masterplanning process. Therefore, this criterion should include some flexibility to allow for the masterplan to cover the H4 site only, if that is all that is feasible.”

The Town Council has commented



“Once the neighbourhood plan becomes made, it becomes part of the development plan. ESC will be able to manage the development of both H4 and WLP5.2 as part of their development management duties. The requirement for masterplanning, if left in Policy H4, therefore becomes part of the development plan for ESC. It is commonplace for LPAs to manage wider development sites with multiple landowners with a view to having a masterplan for the purpose of having a cohesive and integrated development. The East Norwich Regeneration Scheme is an example of an area of land being master planned but which has multiple landowners. In Bungay, there would be only two landowners and so this shouldn’t be too complicated.”

119. Paragraph 73 of the Framework refers to use of masterplans by strategic policy-making authorities and undoubtedly that tool is often most valuable in achieving well-designed and beautiful homes to meet the needs of different groups in the community. It is appropriate that a masterplan should be prepared for the site allocated in Policy H4 as this represents a significant extension of the town of Bungay. It is also appropriate that masterplan should set the allocated site in the context of the adjacent Local Plan allocation and existing properties. However, the requirement, in part a of Policy H4, for masterplanning of adjacent land itself represents an inappropriate burden on the allocated site. Joint masterplanning is desirable and may be achieved through the actions of willing parties, but cannot be made a requirement falling on one of those parties. I have recommended a modification of part a of the policy so that it has sufficient regard for national policy.

120. In a representation East Suffolk Council state:

“Criterion d: house size is already addressed under policy H3 – it is not necessary to repeat it here. Criterion m: “...a transport statement or assessment” is vague. Furthermore, this matter is already addressed by policy WLP8.21 of the Waveney Local Plan and is repetition. Therefore, this text should be removed.”

I agree with these representations and have recommended appropriate modification of the policy in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. Suffolk County Council state the reference to key views in part l of the policy is imprecise. I am satisfied part l of the policy requires development proposals to identify and preserve any key views which would then be a matter for consideration as part of the application determination process.

121. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP1.1 and WLP5.2. The policy serves a clear purpose by providing an

additional level of detail or distinct local approach to that set out in the strategic policies.

122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 5:**

#### **In Policy H4**

- in part a. replace “part of an overall masterplan that includes” with “identifying the relationship with”
- delete part d.
- in part e. replace “Hill” with “Road” and delete “if possible”
- in part m. delete “, as well as a transport statement or assessment”

**Adjust paragraphs 43 and 79 of the Neighbourhood Plan to clarify the indicative housing requirement for the part of the Neighbourhood Area within the Broads is zero.**

#### **Policy CM1 Community Hub**

#### **Policy CM2 Bungay Medical Centre**

#### **Policy CM3 Sports Facilities**

#### **Policy CM4 Pre-School Education**

#### **Policy CM5 Community Education**

123. Policies CM1 to CM5 seek to support development proposals that will enhance identified community facilities subject to specified criteria being met.
124. I have taken into account the representations relating to Policy CM2 submitted by the Norfolk and Waveney NHS Integrated Care System (NHS Norfolk and Waveney Clinical Commissioning Group), and by an individual, referred to earlier in my report. These representations do not necessitate any modification of Policy CM2 to meet the Basic Conditions.

125. Paragraph 93a of the Framework states that to provide the social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Paragraph 104 of the Framework states plan making should consider the identification and pursuit of opportunities to promote walking, cycling and use of public transport.
126. I have recommended Policy CM1 should be modified to clarify it relates to development proposals, and to provide a basis for the determination of development proposals. I have also recommended the final sentence of Policy CM2 should be modified to improve clarity. I have recommended modification of those policies so that they are “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
127. Policies CM1 to CM5 are in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.22 and SP16. The policies serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
128. The policies seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policies are appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification these policies meet the Basic Conditions.

**Recommended modification 6:**

**In Policy CM1 commence the policy with “development proposals for” and replace “especially welcome” with “supported”**

**In Policy CM2 replace the final sentence with “Proposals must be designed, and incorporate facilities, to encourage access by sustainable transport modes.”**

**Policy CH1 Conservation Area**

129. This policy seeks to establish criteria for development proposals that affect the significance of the Bungay Conservation Area.
130. In a representation Suffolk County Council state:

“The policy refers to ‘Important views within, into and out of the area ... are respected’, however there are no identified key or important views in the plan.”

I have noted Section 5 of the Bungay Conservation Area Appraisal and Management Plan January 2022 (the CAAMP) states:

“Key views are identified on the maps in the Character Area sections, and in the table below. Views contribute to the architectural and historic interest of the Conservation Areas by illustrating distinctive parts of the area’s character, as well as revealing relationships between various parts of the Conservation Area and its setting. The views included in this assessment are only a selection of key views; this list is not exhaustive and there may be other views of significance, therefore the table below identifies types of views which can be distinctive to the character of the Conservation Area. (Table from Historic England’s Advice Note 1: Conservation Area Appraisal, Designation and Management (2019)).”

Whilst I note the statement in the CAAMP that there may be other views of significance I agree with the County Council that Policy CH1 should be precise in identifying important views. The CAAMP is the only attempt to identify important views that I am aware of and so I consider the views identified in that document should form the basis for the relevant part of Policy CH1. If in the light of a development proposal some additional important view is highlighted, then that must be considered on its own merits at the time of determination of the development proposal. I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

131. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.17 and SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 7: In Policy CH1**

- **replace part e. with “Key views specifically identified in Section 5 of the Bungay Conservation Area Appraisal and Management Plan (January 2022), or later revision, are not significantly adversely affected;”**
- **delete the final sentence of the second paragraph commencing “Where possible”**
- **in the third paragraph replace “considered favourably” with “supported”**
- **delete the fourth paragraph**

## **Policy CH2 The King’s Head**

133. This policy seeks to establish support for retention of the King’s Head in hotel use and establish criteria for support of proposals to change the use of the building from hotel use.

134. Paragraph 190 of the Framework states 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. The term “encouraged” does not provide a basis for the determination of development proposals. A correction to delete the word “it” after “provided that” is necessary. The requirement for a 12-month marketing period has been sufficiently justified through reference to the location and potential of the building referred to in paragraph 105 of the Neighbourhood plan.

135. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.17, WLP8.37 and SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 8:**

**In Policy CH2 delete “encouraged and” and after “provided that” delete “it”**

### **Policy CH3 Bungay Castle**

137. This policy seeks to establish support for proposals for the appropriate and sensitive repair and enhancement of Bungay Castle.
138. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.37 and SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy CH4 Heritage Statements**

140. This policy seeks to specify content of heritage statements to accompany development proposals affecting heritage assets.
141. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.37 and SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy TC&E1 Town Centre vitality**

143. This policy seeks to establish criteria to be considered in respect of proposals within the town centre for change of use from town centre uses.
144. In a representation East Suffolk Council state, the first part of the policy is not policy and should be removed. It is confusing and unnecessary for the policy to state it applies where planning permission is required as all the policies of the Neighbourhood Plan only apply in those circumstances. I have recommended a

modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

145. The final sentence of the policy which seeks to establish that within the town centre change of use to hot food takeaways will not be supported unless there is an over-riding need demonstrated. This element is supported by Figure 7 in Appendix A of the Neighbourhood Plan which shows a large minority of respondents answered that hot-food takeaways should not be encouraged. I have noted 40% of respondents replied that hot food takeaways should be encouraged. Even if public opinion was conclusive, which it is not, that would not be sufficient justification to resist hot food takeaway proposals even in the absence of over-riding need being demonstrated. Paragraph 31 of the Framework states the preparation of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned, and take into account relevant market signals. The approach adopted in the policy with respect to hot food takeaways has not been sufficiently justified, for example, in terms of harm to particular primary shopping street frontages through overconcentration, or to the town centre as a whole through over representation. I have recommended the final sentence of the policy is deleted so that the policy has sufficient regard for national policy.

146. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.15, WLP8.16 and WLP8.19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 9:**

#### **In Policy TC&E1**

- **replace the text before “a.” with “Within the town centre proposals to change from a town centre use (Class E of the Use Classes Order) must demonstrate consideration has been given to:”**
- **delete the final sentence**

## **Policy TC&E2 Tourism accommodation in Bungay town**

148. This policy seeks to establish the preferred locations for new build permanent tourist and holiday accommodation.

149. East Suffolk Council state:

“The current wording of TC&E2 could be interpreted as meaning that the requirements in the policy do not apply to hotels, and therefore that a more permissive approach is taken for hotels. Given the mitigation set out in the SEA this is not thought to be the intention of the policy. We would advise that the policy is instead set out in two parts, the first clearly relating to non-hotel development and the second setting out that new hotel development would only be supported in the town centre.”

Footnote 7 of the Framework recognises the Broads as an area of particular importance which provides a strong reason for restricting the overall scale, type or distribution of development. Paragraph 84 of the Framework states planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside. I agree with the representation and have recommended an appropriate modification so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

150. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.15, WLP8.16 and WLP8.19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 10:**

**In Policy TC&E2 replace the final sentence with “Proposals for new hotel development will only be supported in the town centre.”**



## **Policy TC&E3 Employment Growth and HGV traffic**

152. This policy seeks to establish support for facilities on employment sites that enable goods to be transferred from HGVs to smaller commercial vehicles.
153. Paragraph 104 of the Framework states the environmental impacts of traffic should be taken into account in plan making and appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains should be considered.
154. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.15, WLP8.16 and WLP8.19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

## **Policy ENV1 Green Corridor**

156. This policy seeks to establish that new development within an identified Green Corridor should contribute to habitat improvements taking into account the need to develop links or stepping stones for wildlife. The policy also seeks to establish that elsewhere when biodiversity net gain cannot be delivered on site it is expected improvements and net gain will take place within the Green Corridor.
157. The Waveney River Trust very strongly support the proposal to use Skinners Meadow for publicly accessible green corridor. In a representation East Suffolk Council state:
- "The supporting text for policy ENV1 and separately policy TM4 refer to the green corridor being used for people to walk and cycle in, yet policy ENV1 itself only refers to habitat improvements and links for wildlife. Therefore, it is not clear what the Green Corridor should be achieving and how a decision-maker or applicant/agent should apply this policy. This should be clarified with amendments made to the supporting text and/or policy" and "The policy wording applies to all developments within the corridor defined in fig. 6. However, fig. 6 is titled 'Illustrative proposed Green Corridor', indicating that this is only an *illustrative* area for the green corridor. As such it is not clear if the policy should be applied rigidly to all development falling

within the corridor shown in fig. 6, or if it should be applied more flexibly to developments in the region of the corridor in fig. 6. Again, this makes it unclear how the policy should be applied by applicants/agents and decision-makers” and “It is unclear if there are suitable means available to deliver biodiversity net-gain in the green corridor. We do not oppose the principle of this, but it is recommended that there is flexibility around this element of the policy in case some or all biodiversity net-gain cannot be satisfactorily delivered in the green corridor. The final sentence of the policy is very aspirational and lacks clarity and precision; therefore, it may work better as a community action rather than planning policy.”

I agree with the points made in this representation and have recommended an appropriate modification so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

158. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.34, WLP8.35, SP3 and SP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 11:**

**In Policy ENV1 replace the second sentence with “Proposals that would enhance the active travel network to or in the Green Corridor will be supported.”**

**Present the deleted second sentence as a Community Action.**

**In the title to Figure 6 delete “Illustrative proposed”**

### **Policy ENV2 Open Space**

160. This policy seeks to establish that proposals that involve creating new open space must demonstrate how biodiversity net gain will be achieved.

161. In a representation East Suffolk Council state

“The plan already has policy ENV4 which addresses biodiversity net gain more comprehensively, and in more detail – therefore is this policy necessary? If the policy is retained, some additional clarity would improve the effectiveness of this policy. For example, should the biodiversity net gain apply to just the area covered by the new open space, or the new development as a whole? The supporting text focusses on providing public amenity space, but does this policy apply equally to other types of new open space, such as sports pitches? Sports pitches may be more difficult to achieve biodiversity improvements on.”

I agree that the relationship of Policies ENV2 and ENV4 is unclear. I have recommended a modification so that the content of Policy ENV2 reflects and flows from the explanatory text supporting the creation of new open space. I have also, later in my report, recommended a modification to Policy ENV4 to clarify the biodiversity net gain requirements of that policy apply to the creation of new open space.

162. Paragraph 93 of the Framework states planning policies should plan positively for the provision and use of open space.
163. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.34, WLP8.35, SP3 and SP6, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
164. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 12:**

**Replace Policy ENV2 with “Proposals for the creation of new open space will be supported”**

### **Policy ENV3 Landscape and Ecological Character**

165. This policy seeks to ensure new development does not cause unacceptable harm to landscape character, biodiversity or geodiversity with particular regard for identified sites.
166. In a representation the Broads Authority state:

“Should these areas be mapped? Otherwise, it is not clear to what area the policy applies. what about the Broads in general, given that the NPPF protects the Broads and its setting? and what is an acceptable impact on these areas?”

I agree with this representation that the named sites should be mapped and have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am content that the policy applies throughout the Neighbourhood Area including within the important and environmentally sensitive area of the Broads. Whilst the term “unacceptable” is imprecise it is beyond my role to define this for all conceivable types of development proposals. I am satisfied individual development proposals must be assessed in this respect.

167. Paragraph 2 of the Framework states “planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. It is inappropriate for the policy to include the term “permitted” as material considerations will not be known until the point of determination of a proposal. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

168. Paragraph 174a of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality in the development plan.

169. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.34, WLP8.35, SP3 and SP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

170. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 13:**

**In Policy ENV3 replace “permitted” with “supported”**

**Include in the Neighbourhood Plan a map that identifies sites a. to f.**

## Policy ENV4 Biodiversity

171. This policy seeks to ensure development proposals enhance biodiversity and connectivity.

172. In a representation East Suffolk Council state:

“Criterion a: this does not explain how existing biodiversity should be assessed and how gain should be calculated. Words to the following effect could be used to address this: ‘Biodiversity Net Gain should be measured using the most recently available Biodiversity Metric at the time of the submission of the planning application, unless otherwise agreed in writing with the Local Planning Authority.’”

“The term “where reasonable” potentially reduces the weight given to protection of the natural environment in paragraph 174 of the NPPF. We would suggest removing the phrase “where reasonable” for the policy to meet the basic condition of aligning with national policy.”

I agree with these representations, apart from the suggestion the policy should be reliant on a third party for realisation which it may not be, and have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

173. Paragraph 174d of the Framework states planning policies should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Whilst paragraph 180c of the Framework provides protection for irreplaceable habitats including ancient woodland, and ancient or veteran trees, this does not extend to all hedgerows and trees of other important or connective habitat. Loss of existing habitat may be necessary, for example, to create safe access to a site. A policy may not anticipate future national policy. I have recommended a modification in these respects so that the policy has sufficient regard for national policy. When considering Policy ENV1 earlier in my report I have recommended off-site delivery of biodiversity gain should be presented as a Community Action.

174. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.34, WLP8.35, SP3 and SP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

175. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:**

**Replace Policy ENV4 with “To be supported proposals for built new development, and proposals for the creation of new open space, must include a detailed assessment of existing biodiversity and achieve at least a 10% net gain in biodiversity, and enhance biodiversity connectivity. Biodiversity net gain should be measured using the most recently available Biodiversity Metric at the time of the submission of the planning application. Within the Broads Authority area reference should be made to the Broads Authority enhancements guide.**

**Development proposals must explain how they have considered the need to support protected species and habitats, and must demonstrate that, wherever possible, they protect and enhance any existing hedgerows, trees or other important or connective habitat.”**

**Policy ENV5 Flooding**

176. This policy seeks to establish development proposals must incorporate appropriate sustainable drainage systems.

177. In a representation the Broads Authority state not all SUDs are natural. East Suffolk Council state, the reference to materials should state “hard-surfacing” for clarity. I agree with these representations and have recommended a modification so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

178. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.24, SP2 and SP3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

179. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made'

neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 15:**

**In Policy ENV5 delete “natural” and after “the use of” insert “hard-surfacing”**

### **Policy TM1 Parking Standards for New Residential Development**

180. This policy seeks establish parking standards for new residential development and requires landscaping to avoid car parking being too obtrusive in the street scene.

181. Paragraph 107 of the Framework sets out five factors that should be taken into account if setting local parking standards. In response to my request to direct me to the existing evidence that demonstrates these factors have been taken into account in formulating this policy the Town Council state:

“The parking standards in Policy TM1 are the same as the standards in the *Suffolk Guidance for Parking Technical Guidance. Third Edition, May 2019. (Suffolk County Council)*. Being guidance only, it was felt that the standards would be given more weight if reflected in planning policy. Because the standards in TM1 are the same as the county council’s standards, it was felt that the need for robust supporting evidence was not required. The NPPF criteria were discussed in relation to SCC’s parking standards and it was decided that there would not be strong evidence that would justify departing from SCC’s standards, especially given the need for off-road parking so that people can charge their EVs in the future. However, this process was not recorded, which on reflection it should have been. Perhaps it would be helpful to add a reference to SCC’s parking standards in the plan.”

East Suffolk Council support the Town Council response.

182. It is evident the parking standards set out in Policy TM1 have been formulated with sufficient regard to appropriate paragraph 107 of the Framework. I have recommended the text supporting the policy should explain the justification of the adopted parking standards is set out in the Suffolk Guidance for Parking Technical Guidance. Third Edition, May 2019. (Suffolk County Council). I have recommended this modification so that the Neighbourhood Plan has sufficient regard for national policy.

183. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.24, SP3 and SP8. The policy serves a clear purpose by providing an

additional level of detail or distinct local approach to that set out in the strategic policies.

184. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification of supporting text this policy meets the Basic Conditions.

**Recommended modification 16:**

**In the text supporting Policy TM1 explain the justification of the adopted parking standards is set out in the Suffolk Guidance for Parking Technical Guidance. Third Edition, May 2019. (Suffolk County Council)**

**Policy TM2 Off-street public car parking**

185. This policy seeks to establish conditional support for a proposal for an off-street car park in or adjacent to the town centre.

186. In a representation East Suffolk Council state:

“Criterion a: it is unclear how existing demand and forecast future demand is expected to be measured and calculated. As written, this criterion will be very difficult for applicants, agents and decision-makers to effectively apply. This element of the policy is vague, contrary to para. 16 of the NPPF, and should either be made more precise or removed. Criterion B: The reasoning behind this criterion and how it should be applied are unclear. For example: what is a material increase in traffic likely to be? How should it be established if a change is material or not? Why does this criterion apply only to the Conservation Area? Does this increase apply only to vehicular traffic or all types of traffic? Clarity should be provided on these points for the criterion to be effectively applied, otherwise it should be removed as it would lack the clarity and unambiguity required by para. 16 of the NPPF.”

I agree criteria a and criteria b do not provide a basis for the determination of development proposals. I have recommended they are deleted from the policy. I have made this recommendation so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

187. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policies WLP8.24, SP3 and SP8. The policy serves a clear purpose by providing an



additional level of detail or distinct local approach to that set out in the strategic policies.

188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 17:  
In Policy TM2 delete criteria a and b**

**Policy TM3 HGVs in the town centre**

189. This policy seeks to ensure any construction management plan or HGV routing agreement required as part of a planning application must demonstrate routes for HGVs avoid the Conservation Area and town centre as much as reasonably possible.
190. Paragraph 104 of the Framework states plan making should consider the environmental impacts of traffic should be identified and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects.
191. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policy WLP8.21, SP3 and SP8. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
192. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

**Policy TM4 Sustainable transport and highway safety**

193. This policy seeks to establish sustainable transport and highway safety principles to apply to development proposals.
194. In a representation East Suffolk Council state:

“First para.: this discusses creating movement routes in the green corridor in fig. 6. However, this is not referenced in the specific policy for the green corridor: ENV1. ENV1 only addresses wildlife and habitat improvements. The two policies should be aligned in their objectives if both movement routes and wildlife/habitat improvements are to be achieved. One or both of the policies should be re-worded to allow for this.”

I am satisfied Policy ENV1 can relate to habitat improvements in the Green Corridor and Policy TM4 can relate to active travel routes in the Green Corridor without cross referencing as the Neighbourhood Plan should be read as a whole.

195. East Suffolk Council also state:

196. “Final para.: this reads more like a community action than a planning policy. Suggested alternative wording for the policy: ‘the implementation of a new cycleway and pedestrian route connecting any major development to the west of St John’s Road to Flixton Road in order to increase access to Stow Fen will be strongly supported.’ This could also form a separate community action if the steering group wished”.

I have adopted the suggested wording in my recommendation although not using the word strongly as that does not provide a basis for the determination of development proposals. I have made this recommendation so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

197. In a representation Suffolk County Council state:

“Policy TM4 Sustainable Transport and Highways Safety refers in the second paragraph to an “expanded cycling and footpath network”. During the Pre-Submission Consultation, SCC recommended that it would better refer to the “*public rights of way network*”, as footpaths alone limit the scope of this policy. Footpaths are limited to the access of pedestrians only. By amending the wording to say “*public rights of way network*” this can provide flexibility for the designations of the rights of way, to allow access for pedestrians, cyclists, equestrians, and mobility vehicles/wheelchairs on bridleways. The designations of Public Rights of Way are as follows: Footpath: access for pedestrians only; Bridleway: access for pedestrians, cyclists, and horse-riders; Restricted Byway: access for all of the above, and horse-drawn vehicles (non-motorised); and Byway Open To all Traffic (BOAT): all of the above, and motorised vehicles. Paragraph 100 of the NPPF indicates that policies should “protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users”.”

I agree with this representation and I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly

written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

198. In the seventh paragraph the term “where appropriate” is imprecise and the selection of a particular vehicle speed limit has not been sufficiently evidenced. Vehicle speed limits are in any case determined through statutory procedures separate from Neighbourhood Plan preparation. It is confusing and unnecessary for one policy to refer to another policy of the Neighbourhood Plan as the plan should be read as a whole. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

199. The policy is in general conformity with the strategic policies included in the Waveney Local Plan (adopted 20 March 2019) and the Local Plan for the Broads (adopted May 2019) and relevant to the Neighbourhood Plan, in particular strategic Policy WLP8.21, SP3 and SP8. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

200. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 18:**

#### **In Policy TM4**

- **in the second paragraph replace “cycling and footpath network” with “public rights of way network”, and after “enhancing” delete “and”**
- **replace the seventh paragraph with two paragraphs as follows:  
“Major development schemes that are designed to facilitate traffic speeds of 20 mph or lower on residential streets or lanes will be supported.”  
“In major development schemes car parking provision must be designed to avoid adverse impact on pedestrian or cyclist safety.”**
- **replace the final paragraph with “the implementation of a new cycleway and pedestrian route connecting any major development to the west of St John’s Road to Flixton Road in order to increase access to Stow Fen will be supported.”**

## Conclusion and Referendum

201. I have recommended 18 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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 2017.

**I recommend to East Suffolk Council and the Broads Authority that the Bungay Neighbourhood Development Plan for the plan period up to 2036 should, subject to the modifications I have put forward, be submitted to referendum.**

202. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a *substantial, direct and demonstrable impact beyond the neighbourhood area*”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by East Suffolk Council and the Broads Authority as a Neighbourhood Area on 13 April 2016.**

## Annex: Minor Corrections to the Neighbourhood Plan

203. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

204. East Suffolk Council propose:

Paragraph 31 - should refer to the whole of the “former” Waveney part ...

In paragraph 66 the term “middling incomes” should be clarified

Paragraph 67 - reference should be made to First Homes being required to account for at least 25% of all affordable housing units delivered by developers through planning obligations, as stated in National Planning Practice Guidance.

Paragraph 68 final sentence - East Suffolk Council has produced a method for calculating an indicative housing requirement, but the plan should reflect that the Council has also produced the indicative housing requirement figure itself (67 dwellings). This is one of the submitted documents.

Paragraph 71 second sentence - infrastructure capacity issues will not be managed by the district Council. Preparation of the neighbourhood plan should include engagement with infrastructure providers to ascertain their specific views.

Paragraph 79 - This part should reference the submitted ‘Bungay Indicative Housing Requirement’ document as the source for the figures quoted in the table. This document addresses the housing requirement calculation in full detail.

Paragraph 84 should clarify it is the locally determined portion of CIL monies that is referred to.

Paragraph 137 of the SEA Report should be updated to delete reference to zero carbon emissions.

Paragraphs 132 and 144 of the SEA Report should relate to Policy TC&E2 and not Policy TC&E1.

Paragraph 144 replace “contained” with “contain”

The Consultation Statement and submitted SEA report and paragraph 69 of the Neighbourhood Plan should be consistent regarding which Council carried out the housing call for sites.

The Broads Authority propose:

Show the Broads on Figure 1 to provide context as per Figure 1 in the Environment Report.

In paragraph 49 delete “neither” and “nor Policy H1” from the penultimate sentence

In paragraph 61 refer to the Broads equivalent standard for M (4)2

In paragraph 64 clarify the Local Plan for the Broads also covers exception sites.

The legend to Figure 5 should be adjusted to match the map.

In paragraph 87 final sentence delete “centre”.

In paragraph 144 replace “contained” with “contain”.

Suffolk County Council state:

Paragraph 7.2 should state that the Historic Environment Record is held by Suffolk County Council Archaeological Service (SCCAS), with publicly accessible records viewable on the Suffolk Heritage Explorer, which can be viewed at <https://heritage.suffolk.gov.uk/> and that the following text should be added:

“Suffolk County Council manages the Historic Environment Record for the county. Non-designated archaeological heritage assets would be managed through the National Planning Policy Framework. Suffolk County Council Archaeological Service advises that there should be early consultation of the Historic Environment Record and assessment of the archaeological potential of the area at an appropriate stage in the design of new developments, in order that the requirements of the National Planning Policy Framework, East Suffolk Core Strategy (Strategic Priority 15) and Waveney Local Plan (policy WLP8.40) are met. Suffolk County Council Archaeological Service is happy to advise on the level of assessment and appropriate stages to be undertaken.”

I recommend all of these modifications proposed by East Suffolk Council, the Broads Authority and Suffolk County Council are made.

### **Recommended modification 19:**

**Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

The Broads Authority question whether Figure 5 should additionally show the Local Plan housing site allocation for context. Whilst I have no remit to make a recommendation of this nature as it is not necessary to meet the Basic Conditions, I would support such an amendment.

Norfolk and Waveney NHS Integrated Care System suggest reference could be made to healthcare as part of Objectives 1 and 2 set out in the Neighbourhood Plan however it is not my role to recommend modification of objectives determined in consultation with the local community and modification as requested is not necessary for the Neighbourhood Plan to meet the Basic Conditions.

Chris Collison  
Planning and Management Ltd

  
4 August 2022  
REPORT END