

# **CARLTON COLVILLE NEIGHBOURHOOD PLAN 2020 - 2036**

Carlton Colville Neighbourhood Plan Examination  
A Report to East Suffolk Council and the Broads Authority<sup>1</sup>

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

15<sup>th</sup> January 2024

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<sup>1</sup> The Neighbourhood Area includes land within the administrative areas of both East Suffolk Council and the Broads Authority.

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## **1. Summary**

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

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

## **2. Introduction**

### The Neighbourhood Plan

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

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

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed in Paragraph 2.1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Carlton Colville Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 2.5 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates to the designated Carlton Colville Neighbourhood Area and that there is no other neighbourhood plan in place in the Carlton Colville Neighbourhood Area.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by East Suffolk Council<sup>3</sup> and the Broads Authority to conduct the examination of the Carlton Colville Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have over ten years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have over thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Carlton Colville Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

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<sup>3</sup> East Suffolk Council was the lead authority in respect of the appointment relating to the Independent Examination of the Carlton Colville Neighbourhood Plan.

### Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as “2020 – 2036.”
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

### Public Hearing

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

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

#### **Basic Conditions**

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*<sup>4</sup> following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28<sup>th</sup> December 2018, applies to neighbourhood plans:
1. the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.<sup>5</sup>

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

<sup>5</sup> *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) and Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
  - has been prepared for an area that has been properly designated for such plan preparation;
  - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
  - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>6</sup>
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. Within this, the Qualifying Body, Carlton Colville Town Council, provides evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.

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<sup>6</sup> The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law.



### European Convention on Human Rights (ECHR) Obligations

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

### European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>7</sup>)

- 32 This process is often referred to as “screening”<sup>8</sup>. If likely environmental effects are identified, an environmental report must be prepared.

- 33 A Strategic Environmental Assessment (SEA) Screening Statement was produced by East Suffolk Council and this was submitted alongside the Neighbourhood Plan. The Screening Statement concluded that:

*“...it is not necessary for a Strategic Environmental Assessment to be undertaken of the Carlton Colville Neighbourhood Plan to ensure compliance with EU obligations.”*

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<sup>7</sup> Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

<sup>8</sup> The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 34 Amongst other things, this conclusion took account of the fact that the Neighbourhood Plan does not allocate land for development and that its policies reflect and seek to implement strategic policies in the Waveney Local Plan (2019) and Broads Authority Local Plan (2019), which themselves have been subject to sustainability appraisals.
- 35 The statutory bodies, Historic England, Natural England and the Environment Agency, were consulted and none demurred from the conclusion above. Natural England stated:
- “...there are unlikely to be significant environmental effects from the proposed plan.”*
- 36 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information<sup>9</sup>. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 37 In the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 38 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

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<sup>9</sup> Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 39 A Habitats Regulations Assessment (HRA) Screening Statement was produced by East Suffolk Council.
- 40 The Screening Statement concluded that the:
- “...Neighbourhood Plan has been prepared to be in general conformity with the relevant policies in the Local Plan and will not lead to likely significant effects on Habitat sites.”*
- 41 None of the statutory bodies, Historic England, Natural England and the Environment Agency, disagreed with the conclusions set out in the Screening Statement.
- 42 In addition to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- “It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance<sup>10</sup>).
- 43 In completing all of the work that it has, East Suffolk Council has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 44 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

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<sup>10</sup> ibid, Paragraph 031 Reference ID: 11-031-20150209.

#### **4. Background Documents and the Carlton Colville Neighbourhood Area**

##### Background Documents

- 45 In completing this examination, I have considered various information in addition to the Carlton Colville Neighbourhood Plan. I also spent an unaccompanied day visiting the Carlton Colville Neighbourhood Area.
- 46 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2021)
  - Planning Practice Guidance (2014, as updated)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - Waveney Local Plan (2019) (referred to below as the “*Local Plan*”)
  - Local Plan for the Broads 2015-2036 (2019)
  - Basic Conditions Statement
  - Consultation Statement
  - Strategic Environmental Assessment Screening Statement
  - Habitats Regulations Assessment Screening Statement
  - Other Supporting Documents
  - Representations received

### Carlton Colville Neighbourhood Area

- 47 Carlton Colville Neighbourhood Area is identified by Figure 1.3 on page 7 of the Neighbourhood Plan.
- 48 The Carlton Colville Neighbourhood Area was designated by the Broads Authority on 3 June 2019 and by East Suffolk Council on 5 June 2019.
- 49 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **5. Public Consultation**

### Introduction

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

### Carlton Colville Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to East Suffolk Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*<sup>11</sup>.

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<sup>11</sup> Neighbourhood Planning (General) Regulations 2012.

- 53 In May 2019, further to the creation of a Steering Group comprising members of the public and local councillors, a community survey was delivered to every household in the Neighbourhood Area. More than 200 responses were received.
- 54 Feedback from the survey supported an audit of the Neighbourhood Area and this was followed up with a community workshop event, held in December 2019 and Design Code work with the community, which took place between October 2019 and March 2020.
- 55 The draft Neighbourhood Plan was produced and Regulation 14 consultation took place between March 2021 and May 2021. This was supported by an open day event, held over the course of two days and attended by 120 people. Around 200 consultation responses were received. Responses were duly recorded and considered.
- 56 Printed newsletter updates were delivered to all households between December 2018 and Spring 2020; followed by on-line and social media updates beyond Spring 2020.
- 57 Consultation was supported by monthly Steering Group meetings, social media, the Town Council's website, the local press, community notice boards, bespoke banners and posters.
- 58 Taking the Consultation Statement and the above into account, I find that community engagement and public consultation formed an important part of the plan-making process. There were opportunities for people to have a say, people were encouraged to engage and responses and matters raised were duly considered.
- 59 Having regard to all of the above, I am satisfied that the consultation process for the Carlton Colville Neighbourhood Plan complied with the neighbourhood planning regulations.

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

60 For clarity and accuracy I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:

1. Para 1.2, change last sentence to: “...and therefore *its policies carry equal weight to those of the relevant Local...*”
2. Delete last sentence of Para 1.3 (“It is...provided.”). NB, the policies of the Development Plan are considered as a whole
3. Change first sentence of Para 1.4 to: “...actions which *are not contained within the Neighbourhood Plan’s policies. This is...*”
4. Change first sentence of Para 1.8 to: “*The allocation in the Waveney (East Suffolk) Local Plan establishes the following principles for the development of the site:*”
5. Delete Para 1.9.. NB, the site is allocated in an adopted Local Plan. It is not the role of the Neighbourhood Plan to “*work with these principles to deliver better outcomes...*”
6. Delete Para 1.12, which appears to suggest that the Neighbourhood Plan has a different role in respect of adopted allocations than is the case
7. The Neighbourhood Plan does not provide “*a blueprint for development.*” Change first sentence of Para 1.13 to: “*A group consisting...*” Change last sentence of Para 1.13 to “*Community feedback received formed an important part of the consultation process and has informed the production of this Neighbourhood Plan.*”
8. Para 2.8. This Para does not refer to a Policy requirement in the Neighbourhood Plan, change wording of second sentence to: “...designation, *the Town Council will seek to ensure that this site of historic interest to the local community, including its setting, are considered in respect of any new development proposals.*”

9. Change last sentence of Para 2.13 to: ***“The Waveney (East Suffolk) Local Plan requires that development on this part of the site should not be commenced until the land for sports and leisure use has been made available for use.”***
10. Para 3.1, delete last three sentences (“In doing so...needs.”)
11. Para 3.1 change third sentence to: ***“In addition, where possible, we want to help shape the two major development allocations in the Waveney (East Suffolk) Local Plan.”***



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

### Design and Layout

#### **Policy CC1: High Quality Design**

- 61 National policy, in Chapter 12 of the Framework, "*Achieving well-designed places,*" recognises the importance of identifying the special qualities of a place and requires planning policies:

*"...to ensure that developments...are sympathetic to local character."*  
(Paragraph 130, the Framework)

- 62 The Framework also recognises that:

*"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*  
(Paragraph 126, the Framework)

- 63 Local Plan Policy WLP8.29 ("*Design*") requires new development to demonstrate high quality design which reflects local distinctiveness. Policy DM43 ("*Design*") of the Local Plan for the Broads requires all development to be of a high design quality.
- 64 Policy CC1 aims to secure high quality design and in this way, it has regard to national policy and is in general conformity with adopted strategic policy.
- 65 As set out, the Policy requires private open space to reflect the size of a household. There is no information to demonstrate how household sizes might be controlled or measured and in any case, this part of the Policy appears largely reliant upon an adopted Policy in the Local Plan and is unnecessary.

- 66 Part vii of the Policy imposes onerous requirements on all forms of development without any evidence to demonstrate that such requirements are deliverable, having regard to Paragraph 16 of the Framework, which requires plans to be deliverable; and also, having regard to the tests for planning obligations set out in Paragraph 57 of the Framework, whereby obligations must be:

*“...necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.”*

- 67 In the absence of any information, it is not clear how all development proposals “*must demonstrate that they make appropriate use of materials and features.*” No indication is provided in respect of what an appropriate use of materials and features comprises, who will determine this and on what basis.

- 68 No indication is provided in respect of how a requirement for the choice of materials to “*minimise the carbon footprint of development*” will be judged or controlled. This part of the Policy appears vague and does not have regard to national guidance, which requires planning policies to be unambiguous<sup>12</sup>:

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

- 69 Whilst not the intention of the Policy, as worded part B could be taken as suggesting that extensions to existing buildings need not respect their surroundings and I make a recommendation in this respect below.
- 70 The requirement for public green space to be provided at “*the heart of the development where activity levels are highest*” appears imprecise as no definitions of the heart of the development or activity levels are provided.

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<sup>12</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-041-20140306.

71 The final part of the Policy promotes the provision of adaptable internal layouts. However, there is no information to demonstrate that the provision of adaptable internal layouts allowing for cost effective alterations in respect of every new home to be provided in the Neighbourhood Area, as required by the Policy, is deliverable.

72 This part of the Policy is not supported by any substantive evidence to demonstrate deliverability and does not have regard to Paragraph 16 of the Framework, whereby:

*“Plans should be prepared positively, in a way that is aspirational but deliverable;”*

73 The supporting information for Policy CC1 contains a lot of text set out as policy requirements. Supporting text is precisely that and it should not comprise policy requirements. This is a matter addressed in the recommendations below.

74 Taking all of the above into account, I recommend:

1. **Policy CC1, delete part v of the Policy (“in the case of...amenity of neighbours;”)**
2. **Policy CC1, delete part vii of the Policy (“supporting...document.”)**
3. **Policy CC1, part B, delete first two sentences and replace with “*All new development should demonstrate high quality design and is required to respect its surroundings. The following will be supported:*”**
4. **Policy CC1, part B i, delete last two sentences (“The choice...existing properties.”)**
5. **Policy CC1, delete part B iv**
6. **Policy CC1, delete part C**
7. **Para 4.3, change to: “...focusing on how *the Neighbourhood Plan can help to support the creation of a cohesive...*”**

8. Para 4.4, change second sentence to: *“The Waveney (East Suffolk) Local Plan (shown at Figure 1.1 in this plan) establishes these, including locating...”*
9. Delete Para 4.5 (which appears to suggest that the Neighbourhood Plan has a different role in respect of adopted allocations than is the case)
10. Para 4.9, change last sentence to: *“...should be considered are identified...”*
11. Para 4.10, change second sentence to: *“...edge of the development should respect the existing...”*
12. Delete Figure 4.9 (which does not show the precise location of heritage assets/issues but appears as a confusing plan)
13. Delete Paras 4.15 to 4.21 inclusive. Delete Figure 4.12. (This section reads as though it comprises policy requirements, which is not the case)
14. Delete Para 4.25 (which is not a policy requirement)
15. Para 4.26, delete last two sentences (*“Any flood...surrounding area.”*) (which read as policy requirements, but are not)
16. Delete Paras 4.27 to 4.29 inclusive. (These paras read as though they are policy requirements, which they are not. In making this recommendation, I note that the retained Para 4.30 largely summarises the intent of previous paragraphs)
17. Para 4.32. Guidance is precisely that, change opening sentence to: *“Development should take account of the Suffolk Design...cars.”* Delete last sentence (*“Development should...guidance.”*)
18. Delete Paras 4.33 to 4.43 inclusive. (These paras read as though they are policy requirements, which they are not)

**Policy CC2: Particular Views**

- 75 The Framework establishes that planning policies should ensure that developments:
- “...are sympathetic to local character...including the surrounding built environment and landscape setting...”*  
(Paragraph 130, the Framework)
- 76 To some degree, Policy CC2 seeks to ensure that development respects its surroundings. However as worded, the Policy requires the preservation of views.
- 77 To be preserved, it would be necessary for a view to remain the same. However, views can change on an annual, seasonal, daily and even hourly basis. The views identified in the Neighbourhood Plan cover large and sweeping areas. They are not supported by detailed assessments but are described in a brief and general manner. Consequently, it is difficult to understand precisely what it is intended to preserve.
- 78 The views include areas where allocations exist for major development. It is inevitable that these areas and views across them will change significantly.
- 79 Taking the above into account, a vague policy requiring the preservation of the views relating to Policy CC2 would necessarily place a significant hurdle in the way of the Neighbourhood Plan's contribution to the achievement of sustainable development. As set out, the Policy does not meet the basic conditions.
- 80 Notwithstanding the above, the plan-making process recognised that there are locations where the community considers that impacts on views should be taken into account and I have regard to this in making the recommendations below.
- 81 I recommend:
- 1. Policy CC2, delete first and second sentences and replace with:  
*“Development must respect the Parish's scenic beauty and should demonstrate how the following views have been taken into consideration:”***

2. Policy CC2, delete part B (“Development...preserved.”)
3. Para 4.44, delete all after first sentence and replace with: *“Based on input from the community, four important views have been identified and these are shown in Figure 4.21 and are described below.”*
4. Para 4.46, delete penultimate sentence (“Preserving...the site.”)
5. Para 4.47, delete last sentence (“This view...assets.”)
6. Para 4.48, last sentence, change to: *“...proposals consider this in their design...”*

## Movement

### **Policy CC3: Key Movement Routes**

82 Paragraph 100 of the Framework states that:

*“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...”*

83 The Framework goes on to establish that development should:

*“...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists...and respond to local character...”*

(Paragraph 112, the Framework)

84 Local Plan for the Broads Policy SP9 (*“Recreational access around the Broads”*) supports the improvements to the Public Rights of Way Network.

85 To some degree, Policy CC3 seeks to protect and enhance public rights of way and to provide for safe movement. In this way, the aims of the Policy have regard to the Framework and are in general conformity with the development plan.

86 However as set out, the Policy appears confusing. It seeks to protect *“routes”* that do not exist and it requires all development to provide pedestrian and cycle routes without any evidence to demonstrate that such a requirement is deliverable, having regard to Paragraph 16 of the Framework; or that it meets the national policy tests for planning obligations, having regard to Paragraph 57 of the Framework (and set out earlier in this Report).

87 In response to the Examiner's Letter of Clarification, the Qualifying Body has stated that the map integral to the Policy (Figure 5.3) is incorrect and only some of the *“Key Movement Routes”* shown on the map relate to the Policy.

- 88 Further to the above, there is no information to demonstrate that a requirement for all development to *“ensure safe and continuous pedestrian and cycling routes that connect to Key Movement Routes”* has regard to Paragraphs 16 and 57 of the Framework.
- 89 The Policy and its supporting text identify specific improvements to be made to cycling and walking routes. However, there is no evidence to demonstrate that any of the proposals set out are deliverable.
- 90 Policy CC3, including the map on which it is based, does not meet the basic conditions.
- 91 The Policy goes on to require development not to harm the character or result in the loss of proposed PROWS. In the absence of information, it is not possible to understand how a land use plan might achieve this.
- 92 The Policy also states that development adjacent to open countryside should *“provide walking and cycling access around the perimeter of the development,”* but there is no evidence to demonstrate that such a requirement is deliverable.
- 93 The Figures in this section of the Neighbourhood Plan refer to land outside the Neighbourhood Area and to *“ensuring”* the protection of routes outside the Neighbourhood Area. The Neighbourhood Plan cannot seek to control over what takes place outside the Neighbourhood Area.
- 94 Part of the supporting text to Policy CC3 appears to relate to matters that will be considered through the planning application process and recommendations are made below in this respect.
- 95 In making the recommendations below, I note that national planning policy and local strategic planning policy, including Policy WLP1.3 (*“Infrastructure”*) and Policy WLP8.21 (*“Sustainable Transport”*) provide a clear and comprehensive land use planning framework for safe movement and for the encouragement of non-car modes for travel between and access to homes, employment, education, services and facilities.
- 96 Taking all of the above into account, I recommend:

- 1. Delete title of Policy CC3 and replace with a new title: *“Key Movement and Public Rights of Way”***



2. Policy CC3: delete wording of Policy and replace with new wording: *“The protection, enhancement and expansion of the public rights of way network, will be supported.”*
3. Delete Paras 5.3 to 5.12, inclusive
4. Delete Figure 5.3
5. Delete Paras 5.14, 5.15 and 5.16

**Policy CC4: Car Parking**

97 Policy CC4 supports the provision of safe, convenient and well-designed car parking. This is in general conformity with Local Plan Policy WLP8.21 (*"Sustainable Transport"*), which requires car parking to be appropriate, as controlled by Suffolk Guidance for Parking published by Suffolk County Council.

98 There is no requirement for Policy CC4 to repeat the provisions of existing policy or to refer to Guidance not controlled by the Neighbourhood Plan. Also, part of Policy CC4A is repeated in Policy CC4C. These are matters addressed in the recommendations below.

99 Further, it is not clear, in the absence of information, how Policy CC4 might *"encourage"* a mix of parking sites and this is also a matter addressed in the recommendations below.

100 I recommend:

1. **Policy CC4A, delete "and should be in accordance with Suffolk Guidance for Parking"**
2. **Policy CC4C, change first sentence to: "...parking types *will be supported, in the interests of good urban design.*"**
3. **Policy CC4C, delete last sentence ("Car...streets")**

## Environment

### **Policy CC5: Biodiversity Net Gain and Wildlife-Friendly Development**

- 101 The Framework requires planning policies to contribute to and enhance the natural environment by:

*"...minimising impacts on and providing net gains for biodiversity..."*  
(Paragraph 174, the Framework)

- 102 Local Plan Policy WLP8.34 ("*Biodiversity and Geodiversity*") requires development to maintain, restore or enhance the existing green infrastructure network and to positively contribute towards biodiversity. Local Plan for the Broads Policies SP6 ("*Biodiversity*") and DM13 ("*Natural Environment*") require development to protect the value and integrity of nature conservation interests.
- 103 Policy CC5 aims to protect and enhance biodiversity. In so doing, it has regard to national planning policy and is in general conformity with the Local Plan.
- 104 As set out, the first part of the Policy states that development proposals should "aim to protect" habitats and species. This appears as an ambiguous requirement, contrary to national planning guidance highlighted earlier in this report and is a matter addressed in the recommendations below.
- 105 Also, in respect of the first part of the Policy, whilst I note that East Suffolk Council has made recommendations aimed at increasing the Policy's effectiveness, these relate to matters outside the scope of the Neighbourhood Plan, which can only impose Policies relating to the Neighbourhood Area.
- 106 The final paragraph of Policy CC5 requires all development to implement Sustainable Drainage Systems (SuDS) but provides no information to demonstrate that such a requirement would be deliverable, or even appropriate, for all forms of development.

- 107 Many forms of development are small scale – including for example, advertisements and minor household extensions. There is nothing to demonstrate that SuDS will be appropriate in all circumstances in respect of development within the Neighbourhood Area and consequently, this part of the Policy runs the risk of placing an obstacle in the way of the Neighbourhood Plan contributing to the achievement of sustainable development.
- 108 Whilst the supporting text is largely concerned with biodiversity and related matters, part of the supporting text refers to a view, which is not relevant to Policy CC5. This is a matter addressed in the recommendations below.
- 109 References to Bell Farm in the supporting text could be construed as policy requirements, which they are not and this is also a matter that is addressed in the recommendations below.
- 110 Much of the content of Paragraphs 6.8 to 6.16 is worded as though it comprises Policy requirements, which it does not. This is addressed in the recommendations below.
- 111 I recommend:
1. Policy CC5, part A, change first line to: ***“All development should protect existing habitats and species...”***
  2. Policy CC5, part D, change to: ***“Implementation of the principles of Sustainable Drainage Systems (SuDS) and natural flood management techniques to enhance biodiversity and ecosystems will be supported. Flood mitigation should, where possible, have a natural character...”***
  3. Delete Para 6.5
  4. Para 6.7, change to: ***“...Bell Farm site allocation could provide...and plants. Such an approach might also present an opportunity for the existing water run-off...wet characteristic. (NB DELETE “(how the Country...Policy CC8”). Additional green areas might be introduced to act as flood mitigation where the flood risk is high. In this respect, there might be an opportunity...network. This might then be enhanced by retaining the existing hedgerows, providing a possible opportunity for them to connect...”***

- 5. Delete Para 6.8 (and delete title “General environmental principles for development”)**
- 6. Delete Paras 6.10 to 6.16, inclusive**

**Policy CC6: Dark Skies and Lighting**

- 112 The Local Plan for the Broads Policy DM22 ("*Light pollution and dark skies*") seeks to protect the tranquillity and dark sky experience within the Broads.
- 113 In general terms, Policy CC6, which seeks to protect dark skies, has regard to this as well as to a wider aim of protecting the dark sky qualities of the wider Neighbourhood Area.
- 114 There is no need for the Neighbourhood Plan to repeat the provisions of an existing policy within the adopted Development Plan and this is a matter addressed in the recommendations below.
- 115 Guidance is simply that – it does not comprise a land use planning policy requirement to be met or exceeded and there is no evidence to support or justify treating the Institute of Lighting Professionals guidance as policy. Also, it is not clear in the absence of information, why householder development and all other forms of development should be treated differently, or what would comprise "*addressing light spillage*." This part of the Policy is imprecise and ambiguous.
- 116 Similarly, no indication is provided in respect of what is an unnecessary form of artificial outdoor lighting; and in the absence of a measurement of existing light spill from internal lighting, it is not possible to know what "*increased light spill*" would comprise. In this regard, I am also mindful that most forms of lighting do not require planning permission.
- 117 Highway lighting is the responsibility of the Highways Authority and is a matter outside the control of the Neighbourhood Plan.
- 118 Part of the supporting text is written as though it comprises land use planning policy requirements, which it does not. This is a matter addressed in the recommendations below.
- 119 The supporting text following immediately on from Policy CC6 does not relate directly to the Policy and is confusing. It includes wording that appears as though it is a policy requirement (which it is not) and it makes unnecessary references existing policies in the Development Plan. This is a matter addressed in the recommendations below.

120 Taking all of the above into account, I recommend:

1. Policy CC6, delete the second sentence of part A (“In the...met.”)
2. Policy CC6, delete Parts B, C and D
3. Para 6.21, delete and replace with: *“The Neighbourhood Plan requires development to respect the Neighbourhood Area’s dark skies with the purpose of minimising the impact of lighting on the recognised qualities of the area.”*
4. Para 6.22, delete all after first sentence (“Lighting should...buildings.”)
5. Delete Paras 6.23 to 6.27 inclusive (including Figures contained therein)

Community

**Policy CC7: Community Provision at Bell Farm Allocation**

- 121 Local Plan Policy WLP2.16 allocates land for development at the site known locally as Bell Farm.
- 122 The allocation in the Local Plan includes requirements for community provision. The detail relating to these will appropriately be determined via the planning application process.
- 123 The allocation in the Local Plan includes an indicative masterplan. Matters relating to detailed layout, including the provision of play space, will appropriately be determined via the planning application process.
- 124 Given the above, it is not open for the Neighbourhood Plan to seek to determine land uses or detailed layouts, or to set out development requirements in respect of the land allocated for development by Local Plan Policy WLP2.16.
- 125 I recommend:

- 1. Delete Policy CC7**
- 2. Delete Paras 7.1 to 7.15 inclusive**

- 126 In making the above recommendation, I note that the planning application process relating to Local Plan development allocations provides the appropriate process for the determination of detailed matters in accordance with the provisions of Local Plan Policy WLP2.16. As a consultee, the Town Council will have opportunities to make representations in respect of planning applications.



- 127 Further to the above, I also note that Paragraph 40 of the Framework promotes pre-application engagement:

*“Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”*

- 128 Consideration of the submitted material and of representations makes it clear that there are excellent opportunities for the applicant at Bell Farm to work collaboratively with the Town Council and with the wider community in order to deliver a scheme that can deliver community-wide benefits in the most effective manner.

**Policy CC8: Carlton Colville Country Park**

- 129 Local Plan Policy WLP2.16 requires the provision of a country park of at least 15 hectares as part of the delivery of a comprehensive mixed-use development.
- 130 All of the detail relating to the delivery of the country park will appropriately be determined via the planning application process. It is not the role of the Neighbourhood Plan to seek to determine this detail or to set out development requirements.
- 131 However, whilst I recommend the deletion of Policy CC8, which seeks to impose requirements upon the Local Plan allocation, I am mindful that the principles outlined in the Neighbourhood Plan provide useful information for the applicant in respect of the provision of a country park.
- 132 Given this, the recommendations below seek to retain reference in the Neighbourhood Plan to the thought that has clearly gone into setting out principles that are aimed at ensuring that that the new country park is a success.
- 133 I recommend:
1. **Delete Policy CC8**
  2. **Para 7.17, change opening paragraph to *“This provides an opportunity to create a successful country park for the benefit of the local community and visitors. To help achieve this, the Town Council has worked to produce a framework and a suggested outline plan for the country park, set out below. Whilst the Neighbourhood Plan cannot control the delivery of the country park, the Town Council is keen to work with the applicant to ensure the country park’s long-term sustainability. The purpose of the framework and plan below is to help achieve this.***
  3. **Add new title above Nos 1-14 in list: *“Country Park – Suggested Framework”***

4. Add new sentence below title: ***“The following are suggestions only and the Town Council will seek to engage with the applicant to develop these ideas further.”***

5. Change wording to bullet points Nos 1 and 2 as follows:

***“1...This could supplement existing...However, the country park could provide an additional...”***

***2...Main routes could be tarmacked or comprise compacted...Main paths could be at least...areas could be wood chip or...”***

6. Delete Para 7.18

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

134 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Page and Figure numbering.

135 Taking the recommendations into account, the Policies Map should be deleted. In recommending this, I note that a number of Figures are retained and that these provide sufficient information relating to the Policies of the Neighbourhood Plan.

136 Appendix A is impacted by the recommendations in this Report. I recommend a change to the paragraph of text below the title on the first page of Appendix A.

137 I recommend:

- **Update the Contents, Policy, Page and Figure numbering and provide Paragraph numbering, to take into account the recommendations contained in this Report**
- **Delete the Policies Map on page 69**
- **Appendix A, delete paragraph of text below the title to Appendix A and replace with: *“Below are extracts from the East Suffolk Cycling and Walking Strategy 2022. These set out recommendations in respect of future Cycling and Walking schemes and are provided for information purposes.”***
- **Whilst not essential, the addition of page numbers to the contents page and hyperlinks from the contents page would be helpful. East Suffolk Council has suggested this and may be able to help with this.**

## **9. Referendum**

138 I recommend to East Suffolk Council and to the Broads Authority that, subject to the recommended modifications, **the Carlton Colville Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

139 I am required to consider whether the Referendum Area should be extended beyond the Carlton Colville Neighbourhood Area.

140 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

141 Consequently, I recommend that the Plan should proceed to a Referendum based on the Carlton Colville Neighbourhood Area approved by the Broads Authority on 3 June 2019 and by East Suffolk Council on 5 June 2019.

**Nigel McGurk, 15<sup>th</sup> January 2024**  
**Erimax – Land, Planning and Communities**