

## Halesworth Neighbourhood Development Plan

### Independent Examiner's Clarification Note

Responses by Halesworth Town Council (HTC) are in red.

#### **Context**

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

#### **Initial Comments**

The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. Photographs produced to a high quality reinforce the issues included in the Plan. In combination these matters result in a very interesting document.

The Vision and Objectives of the Plan are very clear and well.

The distinction between the land use policies and Actions is clear. In many cases the Actions complement the policies.

The Design Guide, the Connectivity of Halesworth Town Centre and the various strands of supporting evidence are particularly helpful and informative supporting documents.

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification for the Town Council.

The comments that are made on these points will be used to assist in the preparation of my report. They will also inform any potential modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

#### **Points for Clarification and other comments on the policies**

##### *Policy ENV1*

The policy does not set out the implications of Local Green Space designation. Was this deliberate?

We have seen that other neighbourhood plans have set out the implications and have expressed it slightly differently in many cases. HTC considers that it would add to the robustness of the policy to include the implications of Local Green Space designation but wanted to avoid expressing this incorrectly.

The attractiveness and importance of the Millennium Green is self-evident. It is clear that it demonstrably special to the local community and holds a particular local significance. Nevertheless, has the Town Council carried out an assessment of the extent to which it is local in character and not an extensive tract of land (as set out in paragraph 102 of the NPPF)?

National Planning Practice Guidance (NPPG) does not give guidance on how to assess whether a space is 'local in character'. Whilst being relatively large by the standards of other millennium greens, the Halesworth Millennium Green is divided into a number of smaller areas, each with their own character. For example, the Community Orchard is a space where the community can grow fruit and share it amongst themselves. By contrast, Birds Folly is an

area of mature woodland scrub and grassy heath which can be enjoyed via the walk along the route of the disused railway. Individually these have their own differing characters – as do the other eight parts that make up the rest of the Millennium Green – and each is very local in character. The way these ten areas are connected together makes movement between them seamless, therefore the feel of this being a coherent local area is retained throughout. This is explained in more depth here: <https://millenniumgreen.halesworth.net/the-areas-in-detail/>.

The NPPG states the following when considering whether a space is an extensive tract of land:

“Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.” (Paragraph: 015 Reference ID: 37-015-20140306).

The Millennium Green was created in 2000 from grazing marsh in the flood plain of the town. The purchase of the land was undertaken as a means to provide a high quality public open space for the people of Halesworth to enjoy. This was informed by a ‘Vision for Halesworth’ conference in November 1997 which engaged the local community. As such, the purpose of assembling the land was to provide a space commensurate with the needs and wishes of the community and development on flood plain was – and is - unlikely to occur in any event. The creation of the Millennium Green could therefore not be said to be a ‘back door’ way of protecting as much land as possible land that might otherwise have been under threat from development.

### *Policy ENV2*

Could the policy implications simply rely on the identified Local Plan policy? The proposed wording of policy (exceptional circumstances) may not leave any meaningful distinction between the significance of a local green space designation (in Policy ENV1) and an open space designation (in Policy ENV2).

The spaces identified in Policy ENV2 are not identified in the evidence base supporting the Local Plan as being spaces that Local Plan Policy WLP8.23 would protect (and are therefore not identified on the Waveney Local Plan Policies Map). Therefore Local Plan Policy WLP8.23 does not provide sufficient protection for these spaces on its own. The assessment in the Neighbourhood Plan which led to these areas being designated mirrored that in the Waveney Green Infrastructure Strategy 2015 which identified passive amenity green spaces and describes them as follows:

“...green space that has not been designed for any particular activity and provides little opportunity to be used for informal activities. These are often provided to create openness in the built up area... Others have been poorly maintained reducing their value to such an extent they offer limited benefit to their surroundings. These spaces generally offer low value in terms of on site facilities and their characteristics do little to encourage physical use, however, they are important for their contribution towards the public realm.” (p17)

The three spaces identified are considered to meet this description and the intention is that the spaces are protected in the same way as those covered by Local Plan Policy WLP8.23. The use of the wording ‘exceptional circumstances’ mirrors that of WLP8.23 in order that Policy ENV2 in the Neighbourhood Plan aligns with it and does not create confusion or

excessive complexity. As paragraph 8.128 of the Local Plan notes, “By designating land as Local Green Space local communities are able to rule out new development other than in very special circumstances. This is a stronger test than the requirements of Policy WLP8.23 (our emphasis).” Therefore Policy ENV2 protects the land in question in the same way that Local Plan Policy WLP8.23 would do because these areas do not meet the tests of a Local Green Space but do meet the Local Plan description of open space.

#### *Policy HSG2*

As submitted, the policy is a general statement rather than a land use policy. Is its intention that development proposals should be designed so that they demonstrate the way in which they deliver the identified objectives?

Yes, although clearly it is not expected that all small sites provide employment or enhance the conservation area if they are located well outside it. These two requirements could be prefaced by ‘as appropriate’ – see HTC’s response to the ESC comments at the end of this response document.

#### *Policy ED1*

I understand the reasoning which underpins the suggestion about flexible terms in the policy. However, ‘flexible terms’ is a commercial rather than a land use matter.

I am minded to recommend its deletion from the policy and to propose a general reference to the desirability of flexible business terms in the supporting text. Does the Town Council have any comments on this proposition?

The Town Council disagrees that the commercial rental terms on which a property is let is not a planning matter. Policy D.EMP2, clause 4, of the Tower Hamlets Local Plan requires a proportion of employment floorspace to be provided as ‘affordable workspace’ which paragraph 10.25 of the Local Plan describes as ‘...an affordable tenancy rate, at least 10% below the indicative market rate...’

([https://www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/Local\\_plan/local\\_plan.aspx](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.aspx)).

In addition, Policy FRAM12 of the made Framlingham Neighbourhood Plan supports the provision of ‘incubator/start-up business space on flexible terms’ (<https://www.eastsuffolk.gov.uk/planning/neighbourhood-planning/neighbourhood-plans-in-the-area/framlingham-neighbourhood-plan/>).

In part A of the policy is there a reason why the 25% figure has been chosen?

It is always difficult to justify any threshold because ultimately the threshold point is a single specific figure. The 25% figure is considered to represent a reasonable balance that clearly signposts the requirement for residential to be a minority of the mix of uses but be large enough to provide the potential for it to cross-subsidise the other uses as part of a well-designed scheme.

*Policy ED2*

In part B of the policy is it realistic to expect than any new hotels should be located in the defined town centre?

The policy does not prevent hotels from being located elsewhere in the Neighbourhood Area. The policy requires a sequential approach so hotels can be located in areas outside the town centre, provided there are no available or suitable sites within the town centre. Ultimately the intention is for the town centre to be the location where such uses are clustered where possible. Hotels are classed in the NPPF as main town centre uses and paragraph 86 states that planning policies should, "...make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre." The aspiration is that hotels form part of Halesworth town centre's future.

*Policy ED3*

Is the intention of the policy that a new development should deliver some of the seven uses identified rather than all of the use?

Yes

*Policy DH1*

This is an excellent policy. It makes a strong connection with the excellent Design Guide and provides a local interpretation of Section 12 of the NPPF.

I am minded to recommend that part B of the policy is modified so that it can be used proportionately based on the nature of the proposal

I am also minded to recommend that part C of the policy is repositioned from the policy into the supporting text to reflect that it is a process rather than a policy issue.

Does the Town Council have any comments on these propositions?

The Town Council agrees with both suggested amendments. For suggested wording to add at the start of Clause B, see HTC's response to the ESC reps at the end of this response document.

*Policy DH3*

This is an excellent policy. It makes a strong connection with the approach in the NPPF and includes detailed local information on heritage assets.

*Policy TM3*

Is the policy necessary given that Part S of the Building Regulations is now in place?

The purpose of the policy is to encourage developers to go beyond the Regulations and recognise that increasingly over the lifetime of the plan, households with multiple cars will have multiple electric cars and they will need to be charged simultaneously.

## Representations

Does the Town Council wish to comment on any of the representations received on the Plan?

In particular does it wish to comment on the representations from East Suffolk Council and the Halesworth Business Group?

### East Suffolk Council

In respect of the ESC comments, the Town Council makes the following responses:

Policy/text identified in ESC reps	HTC response
List of Policies, p 2.	We agree page numbers would be helpful but are not essential
Para. 4.16	Agree the word changes
Policy HAL.ENV2: Protection of Open Spaces	The addition of the word 'as' clarifies the policy
Policy HAL.ENV4: Verges	We think the word 'maximising' in this policy should be kept. Verges are not just about visual attractiveness but about biodiversity and providing a good buffer between pavement and road.
Policy HAL.HSG2: Small Housing Sites	Raising this issue has been helpful and whilst accepting the need to include the words 'as appropriate' suggest the following revision. In particular these objectives include: <ul style="list-style-type: none"> <li>a) Provision of biodiversity – rich space</li> </ul> And as appropriate <ul style="list-style-type: none"> <li>b) Retaining or providing employment (as part of a mixed use development)</li> <li>c) Enhancing the Conservation Area.</li> </ul>
Policy HAL.ED1 Small Scale Commercial Workspaces and Employment Areas	'Flexible terms' – see our response to the Examiner's question. 'Move-on employment space' – it is considered that the term is clear, with the text in paragraph 6.10 clarifying what it is and the scale of space that it represents.
Policy.HAL.ED3 Part C	We think trying to bring in flexibility to this part of the policy would potentially mean that the requirement for mixed use could be undermined. We welcome the suggestion of including reference to the design policy HAL.DH1 in this policy.
Page 68	It would have been desirable to use examples of good contemporary designed homes in Halesworth but apart from the one referred to for the interesting roof line and use of contemporary materials shown on Page 67 we did not consider there were any that should be included.
Page 69	Agree to add the date in the reference to the supplementary planning document
Page 72	Propose that the words under the photographs is rewritten to include 'Roof lines lacking a 'diverse range of roof heights and pitches' in new developments in Halesworth.
Policy HAL.DH1: Design Part B	In addition to the suggested wording proposed by ESC which we accept, the word 'all' needs to be included. The sentence at the beginning of Part B should therefore read –'The following principles should be considered as part of all design proposals as appropriate to their scale, nature and location...' This is without prejudice to the issue raised in the Examiner's question.
Page 74	The map showing the views and gateways can be enlarged but suggest keeping paragraph 8.18 on the same page. The red line represents the town boundary and can either be annotated or deleted.

Policy/text identified in ESC reps	HTC response
	The words under the photos of the views of the Church Tower match those on the Figure 8.1, i.e. Norwich Road, Millennium Green etc, and therefore it does not seem necessary to cross reference them.
Policy HAL.TM1: Key Movement Routes Part D.	We can confirm that second sentence of clause D does relate to the additional traffic created by development as far as it impacts on pedestrians and cyclists using the Key Movement Routes.
Comments from the Design and Conservation Team. 4 <sup>th</sup> bullet point	Agree that the footnote reference re the Conservation Area Appraisal should make reference to the forthcoming update.

### Halesworth Business Group

HTC has noted the representation of HBG and makes the following comments:

- Policy HAL.TC1 - The options set out in the Plan are deliberately conceptual because:
  - a. it is outside the Neighbourhood Plan's remit to set out detailed proposals for any given scheme;
  - b. it is not the purpose of a Neighbourhood Plan to seek to exert control over any detailed scheme that might be submitted as a planning application by a developer in the future; and
  - c. the appropriate and most effective place for detailed comments on specific proposals is when such a planning application is submitted.
- Comments on the HNP - These were dealt with in HTC's responses to Regulation 14 representations.
- Comments on Connectivity of Halesworth Town Centre - These comments relate to the Connectivity Report to which HBG made numerous helpful comments during the consultations.

### Suffolk County Council

Flooding - Given the anxieties in the town about flooding, HTC's strong recommendations for SuDs in any planning application that comes before them, and the Plan's emphasis on biodiversity the proposed additional wording for Policy HAL.DH1 (i.e. a new clause D) is accepted.

### ***Protocol for responses***

I would be grateful for responses to the various questions by 4 October 2022. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others, I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please

can all responses be sent to me by East Suffolk Council and make direct reference to the policy/issue concerned.

Andrew Ashcroft

Independent Examiner

Halesworth Neighbourhood Development Plan

12 September 2022