

Kesgrave Neighbourhood Plan 2018-2036

Submission Version

A Report to East Suffolk Council on the Examination of the Kesgrave Neighbourhood Plan

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Executive Summary

My examination has concluded that the Kesgrave Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Removing the exclusion of residential garden development and rely upon a criterion based policy.
- Residential developments to be encouraged rather than required to provide communal growing spaces.
- Amending the policy to retain habitat to only those habitats of biodiversity importance.
- Removing The Computer, The War Memorial and the Cedarwood Walk sculptures from the list of non - designated heritage assets.
- Deleting the policy regarding protecting bus services and associated infrastructure.
- Amending the wording of the requirements on housing layout design to ensure that any on street parking does not restrict access for other larger vehicles.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the saved policies of the Suffolk Coastal Local Plan (2001), the 2013 Suffolk Coastal Core Strategy and Development Management Policies and the Site Allocations and Area Specific Policies DPD (2017). Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Kesgrave Town Council. A Sub Committee was appointed to undertake the plan preparation made up of both town councillors and local volunteers.
3. This report is the outcome of my examination of the Submission Version of the Kesgrave Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by East Suffolk Council.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021, under current legislation. However, upon the issuing of the Decision Statement, under Regulation 19 of the Neighbourhood Planning Regulations, by East Suffolk Council indicating how it intends to respond to my recommendations, the plan can be accorded *significant weight* in development management decision making until such time as a referendum can be held.

The Examiner’s Role

5. I was appointed by East Suffolk Council in March 2020, with the agreement of Kesgrave Town Council to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of East Suffolk Council and Kesgrave Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Kesgrave Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
10. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Suffolk Coastal District Council, for the Kesgrave Neighbourhood Plan, on 27th September 2016, *if it is modified in accordance with my recommendations.*
11. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2036.
12. I can confirm that the plan does not cover any “excluded development”.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. Kesgrave Town Council, as a parish council, is a qualifying body under the terms of the legislation.

The Examination Process

15. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
17. I am satisfied that I can properly examine the plan without the need for a hearing.

18. I carried out an unaccompanied visit to Kesgrave and the surrounding areas, on 19th March 2020. I toured around all the town and walked a large part of the Long Strops' bridleway and saw all the other proposed Local Green Space designations and proposed non-designated heritage assets. I gained an immediate appreciation of the various phasing of Kesgrave's development, with its variety of layouts and styles of development. I dropped into the local Tesco supermarket at the District Centre and saw the other community facilities. I also made a point of visiting each of the areas that were quoted in Appendix A showing the Impact of Residential Garden Development in Old Kesgrave. I also drove around the roads that run along the southern and eastern perimeter of the plan area and I also saw for myself the relationship with the adjacent residential areas beyond the plan area's boundary.
19. Following my site visits, I issued a document *Initial Comments of the Independent Examiner*, dated 24th March 2020, which raised a number questions and points of clarification with both the Town Council and East Suffolk Council. I received responses from the Town Council and from East Suffolk Council on 17th April 2020.

The Consultation Process

20. Initial public consultation took the form of three community engagements, held in July 2017, which promoted awareness of the plan and sought feedback on residents' areas of interest. This was followed up by a residents' survey questionnaire distributed to every home during October 2017, which generated approximately 800 responses. The consultation also sought to engage with "hard to reach groups" including young people, at the 2018 Fun Day, busy working families through presence at the KTC Family Event, Kesgrave Market and a Community Engagement Day and seniors through talks given to the Women's Institute and the Co-op Women's Guild.
21. At the Community Engagement Day, support was given to the plan's vision, objectives and suggested policy areas. Draft versions of the neighbourhood plan were further honed following a series of discussions with East Suffolk planners. The issues which emerged in these consultations are summarised in the Consultation Statement document.
22. This work culminated in the preparation of a Pre-Submission draft of the plan, known as the Regulation 14 Consultation, which was the subject of an eight-week consultation which ran from 8th July to 2nd September 2019. It was promoted by numerous drop-in sessions and attendance at the Kesgrave Market. This consultation produced 19 responses, which are set out in Appendix O of the submitted Consultation Statement. The statement also summarises the issues raised and the Town Council's response to the comments made.

Regulation 16 Consultation

23. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 24th January 2020 and 6th March 2020. This consultation was organised by East Suffolk Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
24. In total, 13 individual representations were received from East Suffolk Council, Suffolk County Council, Natural England, National Grid, Sports England, Historic England, Anglian Water, Environment Agency, Martlesham Parish Council, Highways England, Gladman Developments Ltd, Grainger plc and WO and PO Jolly and the Kesgrave Covenant Ltd.
25. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

26. The Neighbourhood Planning Examination process is different to a local plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
27. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
 - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

28. The only saved policies from the 2001 Suffolk Coastal Local Plan (incorporating the First and Second Alterations) which are directly related to matters covered by

the examination, are Policy AP 28 - Areas Protected from Development and Policy AP 59 District Centres.

29. The first policy in the Core Strategy and Development Management Policies is Policy SP1 – Sustainable Development which includes, under criteria e)
“to give priority to reusing previously developed land and buildings in and around built-up areas, where possible, ahead of greenfield sites”
30. Kesgrave is an area with a built-up area boundary.
31. The plan expected the delivery of at least 7,900 new homes, over the period 2010 to 2027, under Policy SP2 – Housing Numbers and Distribution, some of which will be delivered as windfall, which includes small-scale infill, conversions or redevelopment sites at a higher density.
32. Policy SP9 – Retail Centres designates Kesgrave as a district centre within the retail hierarchy. The important settlement policy is set out in Policy SP19- Settlement Policy which includes Kesgrave as part of the area to the east of Ipswich, which, alongside adjacent urban centres, is classified as a Major Centre, again where development within the development limits will be permitted by way of infill. This area, which comes under the overarching influence of the county town of Ipswich, is expected under Policy SP2 to deliver at least 2,320 homes in the period 2010 to 2027.
33. However, within the urban corridor, in view of the construction of long-standing housing allocations and other small-scale developments, the policy is to only require limited development to allow the large amount of recently completed housing “to settle and mature”.
34. The other adopted plan is the Site Allocations and Area Specific Policies DPD adopted in 2017. That sets out a minimum requirement that Kesgrave delivers 75 new units in the period 2010 - 27. No specific allocations were required in view of the completions that had taken place in the period up to 2015 and the commitments that had not been implemented at that time.
35. Policy SSP2- Physical Limits Boundaries establishes the role of “physical limit boundaries to identify parts of the settlements to which new development, especially new housing is directed”.
36. These two plans have been produced by the former Suffolk Coastal District Council, which since 1st April 2019 now forms part of the East Suffolk Council along with what was Waveney District Council’s area. Work has been progressing, preparing a new local plan to cover the former Suffolk Coastal part of the new East Suffolk district. The draft Suffolk Coastal Local Plan is intended to cover the period between 2018 and 2036. This has been submitted to the Secretary of State and the public examination has been held, but has not been formally concluded. East Suffolk Council has recently published its proposed Main Modifications which are currently out to public consultation, which runs from 1st May until 10th July 2020. This plan will set the new housing requirement for the period 2018 – 2036. I am advised that the Council expects that the new local plan will be adopted by late summer.
37. The basic conditions require neighbourhood plans to be in general conformity with the strategic policies in the adopted development plan. However clearly the new local plan is at an advanced stage in its preparation and the Local Plan Inspector’s

stated view is that it is likely to be capable of being found legally compliant and sound, subject to modifications. The new plan is proposing a significant boost in new housing in the plan area, setting a requirement to deliver a minimum of 9,756 new homes (currently subject to consultation under the Main Modifications) through the plan period, which currently has a residual need for a minimum of 2,758 new homes to be identified and delivered.

38. Again, Kesgrave is within the area, alongside the other adjoining communities which neighbour Ipswich, where relatively limited new development is expected, a figure of 490 units is quoted. The strategy set out in Policy SCLP 12.18 – “Communities Surrounding Ipswich” is again, in part, to concentrate development, inter alia, within settlement boundaries, in the area where residents have access to services and facilities and have a choice as to means of transport.
39. The proposed housing requirements for settlements with development boundaries are set in Policy SCLP 3.3 – Settlement Boundaries and this includes a requirement for Kesgrave of 20 dwellings, as set out in Policy SCLP 12.1-Neighbourhood Plans, on top of the 19 already committed as at 31/3/2018. Again, the plan points to development being acceptable inside settlement boundaries
40. The new plan recognises the role that new neighbourhood plans will have in delivering specific policies for the area, in response to specific circumstances.
41. Other relevant policies in the emerging local plan are Policy SCLP 4.12 dealing with “District and Local Centres and Local Shops”, Policy SCLP 5.7 on infill and garden development which offers support subject to a number of specific criteria. Policy SCLP 5.13 supporting residential annexes, again subject to meeting specific grade criteria, Policy SCLP 8.2 on open space, Policy SCLP 11.1 deals with design quality, Policy SCLP 11.2 is the policy addressing residential amenity. Policy SCLP 12.1 includes a minimum specific housing requirement to the neighbourhood area of 20 houses for Kesgrave. Policy SCLP 11.9 is a policy for areas to be protected from development, which took forward previously saved local plan policies to protect specific areas of development. However, the Main Modifications is proposing that this policy now be deleted, but that clearly is a matter which will only be clarified once the current public consultation period has ended and the results considered by the Local Plan Inspector.
42. There is a specific area policy for the communities surrounding Ipswich, Policy SCLP 12.18. This limits residential development to specific locations along with “development within the settlement boundaries consisting of infill or small-scale redevelopment, which make the most appropriate use of previously developed land, plus small allocations or development identified through neighbourhood plans.”
43. The areas of the town outside the settlement boundary are covered by proposed Policy SCLP 5.3 and there is also a policy which seeks to avoid development likely to lead to settlement coalescence, Policy SCLP 10.5.
44. As the Secretary of State’s Planning Practice Guidance makes clear that neighbourhood plans:
“can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the

statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested”

45. In this case, it is clear that the rationale and reasoning within the new local plan has influenced the policies in the neighbourhood plan and that has been a material consideration to my overall conclusions, particularly in the context as to whether the plan is delivering sustainable development. Whilst not strictly a basic condition test, I can state that I am satisfied that the Kesgrave Neighbourhood Plan, with the recommended modifications, will contribute to the delivery of the policies of the emerging Suffolk Coastal Local Plan.

Compliance with European and Human Rights Legislation

46. East Suffolk Council issued a Screening Opinion, dated 9th January 2020 which confirmed that a strategic environmental assessment, as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 204”, would not be required.
47. East Suffolk Council, as competent authority, issued an initial screening in respect of an earlier version of the plan, under the Habitat Regulations. This concluded that a full Appropriate Assessment would not be required. It then rescreened an amended version of the plan and following consultation with Natural England issued a revised screening decision on 9th January 2020 that again concluded that the plan is unlikely to have any significant adverse effects on any European protected sites, which are set out in Table 1 of the screening opinion, and that a Habitat Regulation Assessment would not be required.
48. I am satisfied that the basic conditions regarding compliance with European legislation, including the specific separate basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

49. I must congratulate the Town Council on the clarity and presentation of this neighbourhood plan. It sets out the policy context for the preparation of the plan and paints a clear picture of how Kesgrave has developed, particularly in recent decades, as well as the town as it is today. The plan sets out the clear challenges which it seeks to address and establish a vision that the policies will seek to deliver.
50. The Secretary of State is clear, as set out in paragraph 29 of the National Planning Policy Framework (NPPF) which sets out national policy, that “neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies”. Whilst the neighbourhood plan can promote its own locally distinctive policies for Kesgrave, it can only do so if it

is in general conformity with the strategic policies in the existing Suffolk Coastal Local Plan. Part of that strategic policy framework, is to focus development within existing built up areas, especially those with settlement boundaries. The neighbourhood plan's proposed exclusion of "residential garden development" in Policy KE1 would undermine the underlying strategy, as set out in the local plan, if it were implemented as submitted. Under that policy, I am satisfied that the neighbourhood plan would deliver less new homes than under the local plan. It will be appreciated that whilst there is no requirement for allocations, the housing numbers set out in the local plan are minimum numbers that need to be delivered.

51. The Town Council's approach also runs counter to the Government's overarching objective, which is to significantly boost the supply of new housing, particularly within the existing urban areas. I am also aware that the new Suffolk Coastal Local Plan, is equally seeking a substantial boost in housing numbers.
52. I reached an early conclusion that, with the retention of this policy, the plan would not pass basic conditions and should not proceed to referendum. I have therefore had to recommend the removal of the key part of the housing policy, but I will recommend that it retains the criteria based approach which requires development within these areas to protect the character and amenities of the area.
53. I have made a number of less significant alterations, particularly related to local heritage assets and areas where requirements could be viewed as onerous. This is primarily to reflect Secretary of State policy. However, I am satisfied that the policies, which will continue to allow infill development within the urban area of Kesgrave, will also protect its green spaces and natural and historical assets, which are of importance to residents. Its policies, set alongside other policies in the local plan, will deliver sustainable development.
54. Equally I am satisfied that with the proposed modifications the plan has had regard to Secretary of State advice and policy and meets the requirement to be in general conformity with the local plan's strategic policies.
55. My recommendations have concentrated on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are needed as a result of my recommendations, so that the plan will still read as a coherent planning document. In the light of my conclusions on Policy KE1 some of the supporting justification for the exclusion of residential garden development and Appendix A will need to be removed from the document.
56. Following the publication of this report, I would urge the Town Council and East Suffolk planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations.

Recommendations

That the East Suffolk Council in consultation with Kesgrave Town Council makes the necessary editorial changes to the supporting text within the Referendum Version of the plan document so that it aligns with the changes which are recommended in this report.

The Neighbourhood Development Plan Policies

Policy KE1: Infill and Residential Garden Development

57. This policy has three elements;
- a. Firstly, it sets criteria for residential infill development within the settlement boundary, but it does not apply that criteria to what is describes as “residential garden development”, which I take to be land within an existing residential curtilage.
 - b. The second element is to “resist” the development of new dwellings and detached annexes and the conversion of residential annexes into residential dwellings where that development would be in the garden of a residential property.
 - c. The final element is a design requirement that requires the development, and the arrangements as to how it would be “managed”, to show how it has addressed matters which could cause "physical restrictions on community activities or unnecessary levels of future maintenance and cost due to inappropriate materials or design." I am assuming that this is related to design of any public spaces within a new housing development, rather than in terms of private space.
58. It is entirely reasonable for a neighbourhood plan to set principles which test the appropriateness of a proposal for new housing, in terms of how it is integrated into an existing residential area. In fact, that is already done in the existing local plan, as well as in the emerging local plan. I do not consider that it is a reasonable expectation within an urban setting for the test of acceptability of development, to be to protect neighbours’ “peace and tranquility”. I will substitute “their amenity”. I also consider that the threshold should not be no loss of amenity but no *significant* loss of amenity in i).
59. The controversial aspect of the policy is the exclusion of “residential garden development” from the first criterion and its effective prohibition as set out in the second part of the policy.
60. This policy raises important issues in terms of this policy’s relationship with strategic policies in the adopted local plan, as well as Secretary of State policy and the consideration as to whether the policy supports the delivery of sustainable development goals, all of which are basic conditions.
61. Paragraph 13 of the NPPF states that “neighbourhood plans should support the delivery of the strategic policies contained in local plans and should shape and direct development that is outside of these strategic policies”. In the case of Kesgrave, the strategic policies, as applied to the town, are to encourage residential development to take place within the settlement boundary. That is a sustainable location, allowing people to live close to services and facilities, rather than new housing located away from established settlements, where the full range of infrastructure needs to be provided. It goes on to refer to plans promoting "an effective use of land in meeting the needs for homes and other uses”
62. When it comes to setting density for any such development, planning policies are required to take into account the desirability of maintaining an area’s prevailing character and setting (including residential gardens). This is set alongside the

general policy seeking the optimization of the use of land. The approach being taken by this neighbourhood plan is using that criteria to determine “whether” development should take place, rather than “how” it should take place.

63. I have had regard to the evidence that has supported the policy resisting development on existing land, both in the neighbourhood plan document, Appendix A and also in the evidence base. I visited all the exemplar sites quoted in the document and I have sought to understand where the community’s drive for promoting this policy came from, by examining the consultation responses and I specifically asked for this evidence, in my *Initial Comments* document from the Town Council. The response was, in my opinion, at best anecdotal, pointing towards comments which are made to town councillors and town council officers by those local residents who have a vested interest in objecting to planning applications, rather than responding to the challenge of plan making which is to “positively seek opportunities to meet the development needs of their area” as set out in paragraph 11 of the Framework. The responsibility of plan making requires the more holistic balancing of different factors, which goes beyond reflecting individual constituents’ concerns on planning applications. I found this justification less than compelling, as by adopting this policy, it effectively rules out development in much of the plan area, an urban location within settlement boundaries. I would compare this justification with the results of the Community Survey, based on 783 responses which provided quantitative evidence on such matters as housing need which pointed to a demand for, amongst others, affordable bungalows for persons of retirement age - which are the type of properties being provided on some of the more recent schemes.
64. My impressions were that, in the main, that the recent developments were not out of character with the surrounding development. I did feel that in a number of cases the road layouts could have been improved through the incorporation of turning facilities within the development. As a form of small scale new development, the schemes utilise already developed land, in accessible locations and this form of new housing is common across the whole country.
65. I saw nothing on my site visit, that persuaded me that conditions are so unique in Kesgrave to justify an approach which basically goes against a policy which seeks to make best use of land within the urban settlement. Such development does need careful consideration, in terms of incorporate sufficient curtilages and amenity space and demands sensitive designing, respecting the character of the area and this justifies having the criteria-based policy as set out in the policy in a). However, the exclusion of “residential garden development” in that criteria based policy, as well as the present explicit presumption against it in part b) does not pass the basic conditions test, as it undermines a number of strategic policies in particular policies, including Policies SP1, SP2 and SP19 of the Core Strategy and Policy SSP2 of the Site Allocations and Specific Area Policies DPD.
66. My conclusion is that decision makers applying the criteria set out in the policy, can ensure that quality development can be delivered, as opposed to the total exclusion, which the neighbourhood plan is promoting. That is the objective set by para 70 of the Framework, which allows plans to be able resist inappropriate development of garden land, when it would cause harm to the local area.

67. Furthermore, I also cannot see the justification for a policy preventing the construction of detached annexes so long as it meets the criteria set out in part a) of the policy. In many cases this type of ancillary building can provide accommodation for elderly relatives or other members of the family, allowing them to retain a degree of independence, yet being capable of receiving support. Many detached buildings can be erected within the curtilage of a dwelling so long as these are used for purposes incidental to the use of the dwelling house, as a dwelling house, without even needing planning permission. The conversion of such buildings to independent dwellings would require planning consent and these should be considered on their own merits, having regard to such issues as privacy, size of gardens, parking impact on the character of the area. These are matters that would ordinarily be addressed as part of the development management process.
68. The issues set out in section c) do not really relate to the small - scale infill development referred to above, but to matters of general residential estate layouts such as on the Grange Farm type new developments and their particular detailed design and arrangements for its future ongoing management of the public realm in these areas. I am not sure that these are matters that fall under the heading “use and development of land” which would be central as to whether planning permission should be granted. I appreciate that these are practical matters which have been based on the Town Council’s recent experience, but these are matters that should form part of discussions, as to future ownership and responsibilities for management of these common areas and the division of responsibilities for the public realm, whether it be by a public body such as the Town Council or whether that ongoing responsibility is given to a management company. Essentially these issues, such as the delineation of ownership, specifications for works and planting, are not matters that fall to be considered at planning application stage. Some matters can be covered by planning conditions or legal agreements under various legislation between a developer and East Suffolk Council, Suffolk County Council and if necessary with the Town Council, once the principle of the development has been agreed. These can often be linked to maintenance agreements, dedication of land and commuted sums; however, it is unlikely that the local authority would be involved in the assignment of land to respective parties, including the retention of ransom strips, as these are essentially private land and conveyancing matters which do not need the regulatory approval of the local authority.

Recommendations

In the first sentence of a) delete “(excluding residential garden development)” and replace “peace and tranquility (amenity)” with “amenity”

In i) insert “: significant” before “loss of amenity”

Delete b) and c)

Policy KE 2: Residential Uses in Kesgrave District Centre

69. This policy is not putting forward, as some have suggested, a neighbourhood plan allocation and neither is the new plan required to be making such allocation.

If it was allocating land, then I would have expected to see a call for sites and a comprehensive assessment of alternative sites that that would entail.

70. This is a policy which supports additional development within the District Centre. Planning permission has been granted for the development on the Mead Drive site. The policy encourages additional shopping, leisure or employment uses on the ground floor with a residential development above within the district centre.
71. I consider that it is likely that this form of development, living above commercial units would necessarily suit persons who may be looking, say for a smaller bungalow to down size to, but it will be part of the contribution of new housing supply in the town.
72. I am satisfied that this policy meets basic conditions.

Policy KE3: Maintaining Kesgrave's identity

73. This policy is in line with the aspirations set out in emerging policy SCLP 10.5-Settlement Coalescence.
74. The policy is based on evidence which demonstrates an understanding of the importance of Kesgrave's place within its landscape setting, which is adequately described in the supporting text. I have noted the alternative landscape appraisal submitted with the Grainger's Regulation 16 representation, but I am not persuaded that the policy does not meet basic conditions, solely based on that alternative analysis.
75. There is a requirement for policies to be worded positively and on that basis, I will be proposing that "only" be deleted, as it is unnecessary.
76. The policy may be quoted in other documents, apart from the neighbourhood plan. For example, it could be referred to in a planning decision notice or an appeal decision, and there is no benefit including "in section 9" which is effectively internal signposting within the document.

Recommendation

Delete "only" and "in Section 9"

Policy KE4: Benefits of Green and Community Growing Spaces

77. The first line of the policy is actually not a statement of policy but a justification for it, which could be moved to the supporting text, Whilst the policy is one of encouragement, rather than setting a requirement, nevertheless any contributions which are received, will be required to comply with the legal tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations 2015 which require that a planning obligation be:
- necessary to make the development acceptable in planning terms.
 - be directly related to the development.
 - be reasonably related in scale and kind to the development.
78. I consider that this concern can be resolved by the inclusion of the caveat "where appropriate", which would allow an assessment of proximity of the site to open spaces, the adequacy of existing facilities and how the enhancement of pedestrian and cycle access to public green spaces is justified as a direct result of the development.

79. My concern with the requirement in b) is that it, by implication, would also apply to all residential development, but that would not be a practical proposition. Not all developments are required to provide public open space or communal areas where the growing spaces would be placed. Equally the nature of some types of development would not lend themselves including such growing spaces. For example, how would the developer of the scheme supported by Policy KE2 provide such communal growing spaces? I appreciate the desire of the plan to include such opportunities for residents to be able to grow their own plants and crops so I will change “expected” to “encouraged”.

Recommendations

**Delete all text in a) before “development”, amend “development” to “Development” and after “proposals” insert “where appropriate”
In b) replace “expected” with “encouraged”**

Policy KE5: Local Green Spaces

80. I visited all the proposed local green spaces and I am satisfied that all the areas meet the NPPF’s established criteria of being demonstrably special to the local community as well as local in character, not being extensive areas of land and are close to the area which they serve. I have considered the landowner’s representations regarding the inclusion of the hedgerow on the southern edge of the Long Strops bridleway but I am satisfied that this hedge has importance, as part of the overall value of the green space.
81. Reference in the policy to “section 9” and also reference in parenthesis to paragraphs 99-101 in the NPPF, are superfluous and should be removed from the policy.
82. In terms of the wording of the policy, I will include reference to “except in very special circumstances” to ensure the policy accordance with NPPF policy (paragraph 101).
83. The policy cannot offer protection to trees and vegetation and the supporting text will need amendment as part of the consequential editing. Also in view of the uncertainty as to the ongoing status of areas to be protected from development, paragraph 6.16 may also require amendment.

Recommendations

**In the first paragraph delete “in Section 9” and all text after “Spaces”
In the final paragraph after “permitted” insert “, except in very special circumstances”**

Policy KE6: Wildlife Conservation

84. This policy requires development to *retain* existing habitat features. That is unlikely to be a practical proposition in respect of most developments, not least because of the fact that most sites will, in some respects, be part of some creature’s habitat. Such a broad approach and expectation goes beyond the test set out in paragraphs 174 and 175 of the NPPF, as it does not differentiate “local wildlife rich habitats and wider ecological networks” from other habitats.
85. I consider that as written the policy is too onerous as it imposes a requirement on development, which would not necessarily be justified by the sites ecological

status and I would recommend that the approach should be to require proposals to retain existing habitat features, where their retention is justified in terms of the biodiversity interest of the site and then to mitigate any impact through enhancements as proposed in the policy.

86. It is unreasonable to expect that all existing trees are to be protected, purely for the benefits to wildlife. The previous sentence offers a degree of flexibility and I propose to combine the final two sentences so that the protection of trees for their wildlife interest, is covered by the stipulation “where possible”.
87. With that amendment, I conclude that the policy will meet basic conditions.

Recommendations

Replace “existing habitat features” with “the features of biodiversity importance on the site”

In the final two sentences replace “This includes” with “including”

Policy KE7: Non-Designated Heritage Assets

88. The definition of a heritage asset, as contained in the glossary to the NPPF, refers to “a building, monument, site, place, area or landscape identified as having a degree of significance... because of its heritage value”.
89. I have reservations that a number of the proposed heritage assets are actually quite recent installations, namely The Computer, erected in 2007/8, the War Memorial constructed in 1998 and the Cedar Wood Walk sculptures, also completed in 2008. Whilst these may be considered commemorative pieces reflecting important events which are associated with the area, that in itself, would not qualify the structure itself, in my view, as a heritage asset. The four works by Lawrence Edwards, which are clearly of artistic and cultural value, are not in themselves historic features, but an artistic representation of former uses of the Grange Farm estate. I have had regard to the criteria set out in the draft local plan for non-designated heritage assets and also the Historic England publication “Local Heritage Listing” and I am still not convinced that these structures, in my judgement, qualify as heritage assets which warrant protection under heritage planning policies.
90. I will be recommending that these three assets be removed from the list of non-designated heritage assets, as designated within the policy. The wording of the policy goes beyond the protection required by paragraph 197 which necessitates the consideration of the scale of any harm or loss and the significance of the history has it. I will amend the policy wording to reflect this test.

Recommendations

Replace the first paragraph with

“The following are designated as non-designated heritage assets, as shown on the Polices Map, and any development affecting them or their setting will need balance the scale of any loss or harm to them or their setting with the significance”

Delete from the list and renumber accordingly

“B The computer

E The War memorial

G Cedarwood Walk Sculptures”
Delete the final paragraph

Policy KE8: Improving the Provision of Leisure Facilities

91. I have no comments to make on this policy.

Policy KE9: Maintaining and Improving Walking and Cycling Infrastructure

92. Again, I have no comments to make on this policy.

Policy KE 10: Improving Bus Services and Infrastructure

93. A neighbourhood plan policy must be related to the development and use of land. The provision of bus services is essentially a matter for the Transport Authority rather than a planning policy matter and it will be the County Council to license respective routes or make budgetary decisions where the routes are to be financially supported. Equally, the secondary facilities such as bus shelters, waiting areas and timetable signage are not matters that require planning permission. Any temporary bus service re-routing associated with a development taking place, will be a matter for the Highway Authority and the bus companies. It would not be a material consideration in the determination of a planning application. This policy goes beyond the use and development of land and should be moved to the non-policy actions.

94. I am not satisfied that within an existing urban area, the acceptability of a development of the type being supported by this neighbourhood plan, would be dependent upon the developers contributing to a bus service. I would compare the Kesgrave situation to where there was a new housing community being created, where no bus services are currently operating and it is in the objective of establishing a bus service and creating travel habits, that a degree of support should be given to allowing the bus service to become established, particularly in the early days of the development, whilst the viability of the service is becoming established. As such I do not think that the policy would meet the 3 legal tests for financial contributions and is not justified.

Recommendations

That the policy be deleted and the aspirations of the section be incorporated within the Non- Policy actions

Policy KE 11: Improving Residential Parking

95. I am concerned that this policy could be construed as validating on street parking as a possible way that a scheme could meet its car parking requirements. I am sure that is not the intention of the policy. It offers a pragmatic approach that recognises that on street parking will occur, yet at the same time seeks to continue to allow access by large vehicles, where necessary, to the residential streets. The solution is not just to increase the width of the road which would allow parking on both sides with two-way movement in between. Such an arrangement would be

visually poor and would increase vehicle speeds and have other highway implications.

96. However, it is possible for new housing schemes to successfully resolve the conundrum around this, in terms of good practice, and there is excellent advice set out in the DfT's Manual for Streets publication. I will amend the wording of the policy as "street cramming" is not a term that could be used in a development management context and also remove reference to parking options, as it implies that an applicant needs to provide alternative layouts, which is unnecessary.

Recommendation

Replace the second sentence with "The layout of any new residential roads should be designed in a such manner that where on street parking is possible there should be an adequate remaining width of carriageway to enable safe access by emergency service vehicles, refuse vehicles and delivery/removal vehicles."

The Referendum Area

97. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Kesgrave Neighbourhood Plan as designated by former Suffolk District Council on 27th September 2016, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

98. This is a well presented and evidence based neighbourhood plan which is focused on matters that are of importance to the local community. It offers locally distinctive policies related to Kesgrave and will form a firm basis for determining planning applications over the next decade or so.
99. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
100. I am therefore delighted to recommend to East Suffolk Council that the Kesgrave Town Neighbourhood Plan, as modified by my recommendations, should proceed in due course to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
24th June 2020