



# **KESSINGLAND NEIGHBOURHOOD DEVELOPMENT PLAN**

## **INDEPENDENT EXAMINERS REPORT TO WAVENEY DISTRICT COUNCIL**

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**26 August 2016**

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## **1.0 Introduction: Preparation of plan, legislative background and summary of findings**

1.1 Neighbourhood Planning was introduced in the Localism Act 2011. It allows local communities to prepare plans and allocate sites for housing and other uses in their own neighbourhood. The Plan once approved will guide future development and become part of the Development framework and will be taken into account when considering future development proposals.

1.2 The Neighbourhood Development Plan (the Plan) has been developed by a steering group set up by Kessingland Parish Council which included Parish Councillors and local residents. The District Council have assisted the process.

1.3 The Plan document is clearly presented with good use of photographs. ***Where modifications are recommended in this document they are highlighted in bold and italics.*** The introductory sections provide some background to Neighbourhood Plans, the history of Kessingland and how the Neighbourhood Plan has been developed. This includes a description of Kessingland, its historical development and a profile of the community. The introductory sections also identify how the Neighbourhood Plan needs to link with the local strategic planning policies. The vision and objectives of the Plan are outlined in section 3 followed by sections providing details of the Plans and Policies that are relevant in the area. A Plan identifying the Proposals within the Plan is provided at the end of the document. The Plan includes a number of land use planning policies. It also includes a number of non land use issues that are priorities for the Parish which will need to be addressed through a series of non planning interventions.

1.4 The Plan area consists of the Parish of Kessingland which is situated four miles south of Lowestoft. The Plan supports the policies and land use proposals that are included within the Waveney Core Strategy 2009. The Plan identifies 14 key policies under the six broad themes: Development

Strategy; Housing; Environment; Community Facilities; Commerce and Tourism.

1.5 Having carried out the examination, for the reasons set out below and subject to all of the modifications of this examination report being accepted, I consider that the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

1.6 If the Plan becomes subject of a referendum and achieves more than 50% of votes in favour, then the Plan would be “made”. The Plan would then be used to guide and determine planning decisions in Kessingland Parish by Waveney District Council.

## **2.0 Role of the Independent Examiner**

2.1 I was appointed by Waveney District Council in June 2016, with the agreement of the Kessingland Parish Council to conduct this examination. The role is known as Independent Examiner.

2.2 Under the terms of the NP legislation I am required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the legal requirements, “the Basic Conditions”
- The Plan as modified should proceed to Referendum
- The Plan should not proceed to Referendum because it does not meet all the legal requirements

2.3 In making my recommendation I must also determine whether the referendum should involve a wider area than the boundary of the Kessingland Neighbourhood Plan boundary, whether the Plan area has been appropriately designated and whether the Plan specifies the time period to which it relates. The Plan must not include any provision that is about excluded development.

2.4 I am a Chartered Town Planner with nearly 40 years experience working in senior roles in Local Government, regeneration agencies and the private sector. I am independent of Waveney District Council and the Kessingland Parish Council. I am independent of residents and stakeholders in the area and have no interest in any of the land within the Neighbourhood Plan area. I am a member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) and have carried out the independent examination of eight Neighbourhood Plans in various parts of the country.

### **The Examination Process**

2.5 The general presumption is that most Neighbourhood Plans will be considered through written evidence. Waveney District Council has indicated that in their opinion no public hearing will be necessary for the Neighbourhood Plan and that the examination should consider written evidence only. An Examiner can ask for a public hearing if it is considered that certain aspects need to be more fully explored or to allow individuals to outline their case more fully. In view of the relatively straight forward nature of the plan proposals, the limited number of land use recommendations and the fact that there have been limited representations through the recent consultation period I have informed the Local Authority that no public hearing is required. I consider that I am able to make a recommendation based on the extensive evidence that has been provided.

### **3.0 The Neighbourhood Plan Area**

3.1 The Neighbourhood Plan area consists of the whole of the Parish of Kessingland which is situated four miles south of Lowestoft.

3.2 It had a population of just over 4300 according to the 2011 census. The area is predominantly residential with early 20<sup>th</sup> century housing in the village core and further phases of housing built in the inter war and post war periods. There are a number of commercial properties and limited, small scale industrial premises. There are five listed buildings.

### **4.0 Consideration of the Basic Conditions**

4.1 There are a number of basic conditions that the Kessingland Neighbourhood Plan has to meet in order for it to go forward to a Referendum. These are set out in the Neighbourhood Planning (General) Regulations 2012 and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

4.2 Paragraph 8 sets out the requirements for Neighbourhood Plans to meet these “**Basic Conditions**”, before they may come into force.

Neighbourhood Plans must:

- have appropriate regard for national policies and guidance issued by the Secretary of State
- contribute towards the achievement of sustainable development
- be in general conformity with the strategic policies of the development plan for the local area
- be compatible with European Union (EU) and European Convention on human rights requirements (ECHR)

I have examined the Neighbourhood Plan against all of the basic conditions above. I have been assisted by a Neighbourhood Plan Basic Conditions Statement that has been prepared by the Kessingland Parish Council Steering group.

## **Qualifying Body and Neighbourhood Area Designation**

4.3 On 20<sup>th</sup> July 2013 Kessingland Parish Council submitted an application for the designation of Kessingland Parish as a **Neighbourhood Planning Area** to Waveney District Council as the relevant Planning Authority.

4.4 The Local Planning Authority publicised the application for designation as a Neighbourhood Area for a six week consultation period from August 16 to September 27, 2013. The application was published on the Council and Parish Council website and was available at various locations throughout Kessingland Parish. No comments were received.

4.5 The Council assessed that there was no overlap with any other proposed neighbourhood plan area and that the proposed boundary did not overlap with any adjoining parish or designated area.

4.6 The Council considered that the Parish Council satisfied the conditions required for a Qualifying Body and Neighbourhood Forum for the purposes of Section 61G of the 1990 Town and Country Planning Act and the Neighbourhood Area was approved on 9 December 2013.

4.7 I am satisfied that the Kessingland Neighbourhood Development Plan meets the basic condition of having a suitable Qualifying Body, a relevant body in accordance with section 61G of the 1990 Town and Country Planning Act, the Kessingland Parish Council.

### **Basic condition: Neighbourhood Plan Area**

4.8 I am satisfied that the Kessingland Neighbourhood Plan meets the basic condition of having a suitable Neighbourhood Plan area designated as outlined in Section 5 of Part 2 of the Neighbourhood Planning (General) Regulations 2012.

4.9 I am also satisfied that the Kessingland Neighbourhood Plan (the Plan), does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

4.10 The Kessingland Neighbourhood Plan provides a clear indication of its timeframe and will cover the period 2016 – 2030.

4.11 I am, therefore, satisfied that the Plan meets the Basic Condition relating to the specific timeframe of the Plan period.

4.12 The Basic Conditions Statement confirms that the Plan does not deal with County matters, any nationally significant infrastructure or any other matters set out in S61K of the Town and Country Planning Act 1990.

## **5.0 Regard to the National Planning Policies and Guidance and the National Planning Policy Framework**

5.1 In carrying out the examination of the Proposed Plan, and deciding whether to recommend that it should be submitted to a referendum, I am required to have regard to national policies and advice contained in guidance issued by the Secretary of State. The Plan needs to meet all of them. The Neighbourhood Plan must meet the basic condition of having regard to national and local planning policies.

5.2 I therefore considered the Kessingland Neighbourhood Plan in line with National Planning Policy and Guidance, the Waveney District Core strategy adopted in 2009 and various Waveney District Council Strategies.

5.3 The Basic Conditions Statement outlines the key relevant strategic policies from the Core Strategy. In the section on Policies I will outline my view on whether the Plan can demonstrate that it supports these policies and recommend modifications where necessary.



5.4 A number of the Policies are of particular importance when considering this Neighbourhood Plan.

5.5 Should the Neighbourhood Plan be confirmed after a referendum it will achieve a status in the Development Plan hierarchy.

### **National Planning Policy Framework (NPPF) (2012) and Planning Practice Guidance (2014)**

5.6 The most significant piece of guidance is the National Planning Policy Framework (NPPF) issued in March 2012. Paragraphs 183 -185 outline the Governments view on Neighbourhood Plans. Government consider that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need and ...neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

5.7 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood needs to be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

5.8 More detailed guidance and advice which expands on the general policies in the NPPF has been available since March 2014. This confirms that Neighbourhood Plans should be clear, concise, and unambiguous and supported by appropriate evidence.

5.9 I am satisfied, that the Plan has adequate regard to the policies in the NPPF and Planning Guidance. In reaching this opinion I have been assisted by the Basic Conditions Statement.

5.10 The Basic Conditions statement outlines how the Kessingland Neighbourhood Plan objectives contribute positively to a number of the core planning principles that underpin the NPPF (paragraphs 18 -149). Subject to a number of modifications that I recommend being accepted I consider the Plan will contribute positively to the following NPPF priorities: Building a strong, competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, meeting the challenges of climate change and conserving and enhancing the natural and historic environment.

5.11 I consider that the Plan will provide a framework for future development and has evolved through extensive consultation with residents and relevant organisations and agencies.

## **6.0 Contribution to Sustainable Development**

6.1 The United Nations General assembly defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Resolution 42/187).

6.2 The NPPF outlines the Government view in paragraphs 6 and 7. The purpose of the Planning system is to contribute to the achievement of sustainable development. There are three aspects of sustainability, namely economic, social and environmental.

6.3 The Waveney District Council Core Strategy adopted a positive approach in seeking to provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

6.4 The Neighbourhood Plan Basic Conditions Statement provides details of how the objectives and policies contained in the Kessingland NP support the principle of sustainable development. It outlines that the strategic objectives of the Plan comprise a balance of social, economic and environmental goals. I accept that the Plan proposals regarding protecting the existing business base will contribute to the building a strong, responsive economy. I agree that the proposals for new housing, community and care facilities and new cycle ways will contribute to supporting strong, vibrant and healthy communities. It is also clear that the prioritisation of use of brown field land, recognition of the value of green spaces and the need to minimise risks from flooding will contribute to protecting and enhancing the natural, built and historic environment and mitigate and address climate change issues.

6.5 I consider, therefore, that the development that will be encouraged through the proposals in the Plan should deliver sustainable development within the Parish of Kessingland.

## **7.0 Conformity with the Strategic Policies of the Local Area**

7.1 In carrying out the examination of the Proposed Plan, I am required to consider whether it is in general conformity with the strategic policies contained in the development plan for the area (basic condition (e)).

The Neighbourhood Plan Basic Conditions statement confirms that the Plan has been prepared in general conformity with the strategic policies of the Development Plan. This has been confirmed by the Council. The vision for Waveney in the Core Strategy is to create: ‘Prosperous, attractive and vibrant communities with good access to jobs, services and facilities and where everybody can feel safe, be healthy and happy.’

7.2 There is a long and detailed vision for the Neighbourhood Plan which is in line with Core Strategy vision.

7.3 Having reviewed the Plan I consider that the Neighbourhood Plan will contribute positively to the achievement of a number of the strategic objectives as identified in paragraph 2.31. ***In their response to the Regulation 16 consultation Historic England have pointed out that there are a number of heritage assets in the Plan area including the Grade 1 listed Church of St. Edmund and that Policy CS 17 (Built and Historic Environment) is also relevant. This states that “the District Council will work with partners and the Community to protect and enhance the built and historic environment in the District.” I recommend that Policy CS17 is added to the list in paragraph 2.31.*** It should be noted that there are a number of objectives in the Core strategy that are not relevant to the Plan area.

7.4 I am satisfied, therefore, that the Kessingland Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority, the adopted Waveney District Core Strategy.

## **8.0 European Union (EU) obligations, Habitat and Human Rights requirements**

8.1 A Neighbourhood Plan must be compatible with EU regulations in order to be legally compliant. There is no legal requirement for a Neighbourhood Plan to include a sustainability appraisal. However in some limited cases where the Plan may have significant environmental effects it may require a Strategic Environmental Assessment. The Strategic Environmental Assessment (SEA) Directive seeks to provide high level protection of the environment by integrating environmental considerations into the processing of plans.

8.2 It is good practice for the local authority to undertake a screening assessment to decide whether or not any of the proposals of the Plan are significant enough for the Plan to require a full SEA. If a screening exercise identifies significant effects an environmental report must be prepared.

Waveney District Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required. Historic England, The Environment Agency and Natural England were consulted as part of the process.

8.3 The first version was published in January 2015. A number of facts were taken into consideration before deciding that an SEA was required. The plan area is immediately adjacent to Suffolk Coast and Heaths Area of Outstanding Natural Beauty, Suffolk Heritage Coast and Pakefield to Easton Bavents Site of Special Scientific Interest and Benacre National Nature Reserve. In addition it was considered that since the Plan would include policies and proposals relating to land use and development there was the potential for the plan to affect a European protected site.

8.4 It was therefore considered by Waveney District Council that it would be necessary to undertake a SEA in order to ensure compliance with EU obligations. The final version was published in December 2015. The detailed document considered the challenges facing Kessingland and the impact of not having a Neighbourhood Plan. The Sustainability Appraisal considered each of the Plan proposals against the Plans nine sustainability objectives. In each case the Plan proposal met the objectives better than the alternative.

8.5 The report concluded that: "Overall the most sustainable policy options have been chosen for inclusion in the Neighbourhood Plan. None have any significant adverse effects, giving confidence that the policies in the Plan will contribute to sustainable development". I agree with the conclusions that were reached.

8.6 None of those who submitted written representations have drawn attention to any other relevant EU obligation that I should take into account in my examination of the Proposed Plan. Taking all of the above into account I am satisfied that the Neighbourhood Plan has regard to the rights and freedoms guaranteed under the European Convention on Human Rights and

complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## **9.0 Background documents and Information considered**

9.1 In order to examine and reach conclusions on the Neighbourhood Plan Proposals of the Kessingland Parish Council I have considered the following documents:

- Suffolk Coastal Core Strategy – Core Strategy and Development Management Policies 2013.
- Waveney Core Strategy, Site Specific Allocations Development Plan Document (DPD) and Development Management DPD, and the Suffolk County Council (SCC) Minerals and Waste Core Strategies and Site Specific Allocations DPDs
- KNP Sustainability Appraisal incorporating SEA December 2015 and scoping report July 2015
- Waveney District Council Annual Monitoring report December 2015
- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework (NPPF) (2011)
- The Localism Act (2012)
- The Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance
- The detailed consultation responses to the consultation

9.2 There were six representations made during the final formal Regulation 16 consultation period, all of which I have considered. Points have been raised with regard to site allocations and I will address these as appropriate later in the report.

9.3 In addition, I visited the area unaccompanied for one day in July 2016 and explored the various sites and locations referred to in the Plan.

## **10.0 Evidence Base and Consultation**

10.1 One of the most important principles in the Neighbourhood Planning Regulations 2012 is that local communities must be given ample opportunity to help to shape the future of their area. Successful consultation will ensure that the views and priorities of the community are reflected in the Plan and the likelihood of a successful referendum vote increased. Section 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be produced and submitted with the Neighbourhood Plan.

10.2 Section 15 (2) specifies that this must contain: details of the persons or bodies that were consulted about the proposed Neighbourhood Plan. It must explain how they were consulted and summarise the main issues and concerns raised by the persons consulted. Furthermore it must describe how these issues have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan. I am satisfied that the document provided to the District Council meets the requirements of the regulations.

10.3 Kessingland Parish Council has provided extensive information regarding the public consultation that took place in preparation of the Plan in the Neighbourhood Plan Consultation report. This confirms that extensive consultation took place with residents, community groups, schools, businesses and stakeholders at the key stages of Plan development in a variety of forms and locations. Evidence gathering took place between September 2012 and March 2013. The information was circulated to every household. It is clear that subsequent events were well publicised and many people took the opportunity to participate. Following area designation in December 2013 a questionnaire was circulated to every household in March 2014. 800 of 2000 questionnaires were returned. This was an excellent response and included 29 business and 75 young person responses. It is

clear that considerable discussion took place regarding the potential development sites.

10.4 A Draft Plan was prepared and subject to formal Regulation 14 public consultation between November 4 and December 15, 2015. It was widely publicised with a copy on the web site, drop in sessions, letters sent to statutory groups, 63 local organisations and land owners. The responses were broadly favourable with 80% attending the drop in sessions supportive of the Plan. The Consultation Report shows that comments were actively sought and responded to. There is an audit trail showing how the Plan was changed to incorporate the suggestions. I do not consider that any significant issues raised were not addressed.

10.5 The final version of the Plan was subject to Regulation 16 consultation which took place between January 18 and February 29, 2016. There were 6 responses. The majority of comments were supportive of the Plan. One response related to the potential development of land off Rider Haggard Lane and indicated that not all landowners had been directly contacted as part of the consultation exercise. I consider that the extensive consultation that took place would have enabled the owners of the site to seek its consideration as part of the site options. However, Waveney District Council have recognised that there will be a need for up to 7700 new homes in the period up to 2036 and issued a call for sites. I understand the site off Rider Haggard Lane is being considered as part of this process. The current Plan with allocations for over 100 homes responds positively to the need for new homes in the larger villages. Policy PL1 acknowledges that further sites may be allocated following the review of the Waveney Core Strategy. I consider therefore that the Rider Haggard site should be considered in this context.

***The words "Submission Stage (Regulation 16) Consultation" should now be deleted from the front cover of the Plan document.***

10.6 I am satisfied that considerable consultation has taken place throughout the various phases of the Plan development and that the Plan has received the overwhelming support from respondents. Where concerns have



been raised it is clear that in most cases steps have been taken to respond positively to the comments.

10.7 I am satisfied, therefore, that the Neighbourhood Plan Consultation statement, with the additions that I have recommended, meets the basic condition regarding consultation and complies with Section 15 (2) of part 5 of the 2012 Neighbourhood Planning Regulations.

## **11.0 The Kessingland Neighbourhood Plan Vision and Objectives**

11.1 The Kessingland Neighbourhood Plan has a wide ranging vision for the future of the area. It seeks to promote public transport, to become a village that is easily accessible, building new homes that enable young people to stay. It seeks to strengthen the local economy through supporting business, addressing community needs while protecting its tourist heritage.

11.2 The Plan outlines how the vision will be realised through six overarching policy objectives that have been derived through the consultation process. The objectives are clearly written and aspirational. ***I agree with the Historic England suggestion that an additional bullet point should be included in the Environment objective that states: “Heritage assets both designated and non designated must be protected in a manner appropriate to their special interest or significance and this includes the impact of developments within their setting”. The Steering group may also wish to include another potential action under the environment heading suggested in the Regulation 16 responses relating to the identification of non designated heritage assets within the area.*** There are 17 policies which are split into sections relating to Housing and Housing allocations, Transport and Movement, Business and Employment, Community Infrastructure, Environment and Green Spaces, Tourism, and Flooding and Drainage. Each Policy includes a statement which provides the local context and an indication of what the Policy is intended to achieve.

## **12.0 Kessingland Neighbourhood Plan Policies**

12.1 The Kessingland Plan Policies begin in Section 4. Kessingland is classed as one of the “Larger Villages” in the Core Strategy which states that: “A small amount of new housing, employment and services and facilities development will be focused on a number of designated larger villages. Up to 5% of the housing growth will be focused in these villages. Where a local housing need is demonstrated, the priority will be for affordable housing. Most development will take place on brownfield sites within the villages but some development may be needed on Greenfield sites on the edge.” This provides the context for the Policies that follow.

### **12.2 Policy PL1 Physical Limits Boundary**

12.3 This is a positive land use policy and recognises that in a rural parish it is important to direct new development to appropriate locations within the Plan area. It recognises the constraints on potential development caused by the Site of Special Scientific Interest and North Sea to the east and the Area of Outstanding Natural Beauty to the south. This meant that apart from infill schemes within the village core development options focussed mainly on areas to the north and west of the village. Kessingland is identified in the Core Strategy as one of the Larger Villages which will need to accommodate a small amount of new development in the period to 2020.

12.4 A Physical Limits Boundary is proposed and identified on the Proposals Map. It reflects the existing settlement boundaries to the north, south and west with the eastern edge being bounded by the area of tourist accommodation. The proposed boundary retains a strategic gap to the north. Appropriate infill development within the physical limits boundary will be accepted in addition to the other specific site allocations.

12.5 Recommendation: The Policy provides a clear context for future development. I do not recommend any changes to this Policy.

### **13.0 Policy H1 Affordable Housing**

13.1 A core planning principle of the NPPF is encouragement for the delivery of the homes that the country needs. With allocation proposals for over 100 homes the Plan has responded positively to the Governments wish that Plans should promote more development than proposed in existing policies. Policy H1 is a positive land use policy in line with this. It recognises that Waveney District does not have an up to date strategic housing market assessment and significant unmet affordable housing need was recognised in 2013. This unmet need has influenced both this Policy which proposes that affordable housing will be offered to people with an established local connection and the later Policy SA3 which allocates a site to deliver 100% affordable housing. The Council are satisfied with the wording of this policy.

13.2 Recommendation: I do not recommend any changes to this policy.

### **14.0 Policy H2 Residential infill and back land development**

14.1 One of the core principles of the NPPF is providing a wide choice of high quality homes and providing policies that resist inappropriate development of residential gardens where development would cause harm to the local area. During the preparation of the Plan the adverse impact of some of the recent infill and back land development was highlighted. Policy H2 offers clear criteria by which new proposals within the physical boundary limits will be judged. The Policy highlights the need to ensure appropriate density, scale and massing of infill and developments and the need to ensure appropriate plot widths and building lines.

14.2 Recommendation: The Policy provides a clear context for future development. I do not recommend any changes to this policy.

## **15.0 Housing Allocations**

### **Policy SA1 Former Ashley Nurseries site**

15.1 Two core principles of the NPPF are the reuse of previously developed land and the promotion of mixed use developments. Policy SA1 is in line with these. It is also in line with the Core Strategy policy guiding development for Larger Villages. Policy SA1 supports mixed use development on 1.1 hectares of the former Ashley Nurseries site located north of the existing Physical Boundary Limits of the village. The proposal will ensure that the site, which is currently derelict, makes a contribution to increasing both housing and employment space provision. It will also provide a new cycle and pedestrian route into the village. The allocation of part of the site for B1 employment use will also enhance the employment options within the village.

15.2 Recommendation: This is a positive land use policy. I do not recommend any changes to this policy.

### **16.0 Policy SA2 Land at Laurel Farm West and South**

16.1 This Policy relates to the site immediately south of the former Ashley Nurseries site proposed for housing and business use under Policy SA1. Policy SA2 considers a site currently designated for Playing fields and an agricultural field. The total area of both sites is 3.8 hectares. The Proposal confirms the allocation for a playing field including sports pitches of 2.1 hectares with the remainder being allocated for the provision of up to 55 houses.

16.2 The proposal offers the opportunity to promote a green corridor, pedestrian and cycle links to the village centre. This is a positive land use proposal in line with Policy LOW10 of the Waveney Site Specific Allocations DPD 2011. The Policy also provides guidance on the type and quality of design that should be adopted in order to create a sustainable development.

16.3 Recommendation: This is a positive policy that will achieve multiple objectives. I do not recommend any changes to this policy.

## **17.0 Policy SA3 Land at Laurel Farm East**

17.1 This Policy recommends the allocation of 2.1 hectares of land, currently used as farmland, for the development of affordable homes and a Neighbourhood Equipped Area for Play (NEAP). This is a positive land use policy that has evolved through the consultation process which included a Housing needs study in 2015 which identified the need for 58 affordable homes to meet local needs. The NEAP proposal responds to a 2015 Waveney District Council POS needs assessment. The provision of a shared use green corridor linking the site with North Cliff and the beach is also supported.

17.2 The Policy also provides guidance on the type and quality of design that should be adopted in order to create a sustainable development.

17.3 Recommendation: This is a positive policy that will achieve multiple objectives. I do not recommend any changes to this policy.

## **18.0 Transport and Movement**

### **Policy TM 1 Parking Standards and New Residential Development**

18.1 The transport and movement proposals start with Policy TM1 relating to parking standards. This Policy reflects resident concerns that recent developments have not provided sufficient or safe parking spaces resulting in high levels of on street parking and increased danger for pedestrians.

18.2 The standards proposed are in line with the Suffolk County Council Guidance and have taken into account the recommendations made by the County Council as part of the Consultation process.

18.3 Recommendation: This is a positive policy. I do not recommend any changes to this policy.

## **19.0 Policy TM 2 Design of Estate Roads and Parking Courts**

19.1 This Policy addresses community concerns regarding the design of estate roads and parking courts. There has been an increase in on street

parking caused by residents preferring these locations to parking courts they consider to be a crime risk.

19.2 This is a positive Policy proposal that seeks to ensure that new developments demonstrate how they will minimise potential safety issues created by parked cars and good design is achieved for new parking courts.

19.3 Recommendation: This is a positive policy. I do not recommend any changes to this policy.

## **20.0 Business and Employment**

### **Policy BE 1 Protection of existing Commercial Premises or Land**

20.1 The Business and Employment Policies begin in section 8. Policy BE 1 is a positive land use policy in line with the NPPF seeking to protect existing commercial premises and land. It addresses two of the priorities in paragraph 28 of the NPPF, supporting sustainable growth of business and promoting the retention and development of local services and community facilities.

***Quotation marks should be included at the end of the quotation.***

20.2 There will be a presumption against loss through conversion or demolition of premises that provide employment. Two important caveats are included in bullet points recognising that this could only apply if the premises had not been used for 12 months and had been actively marketed. ***I consider that these are reasonable steps to demonstrate a lack of demand for existing premises but I recommend that a third bullet point is added:***

- ***the commercial premises are relocated within the Plan area***

20.3 Recommendation: This is a positive policy. Subject to the above changes I do not recommend any changes to this policy.

## **21.0 Policy BE 2 Conversion of Vacant Premises for Employment**

21.1 This Policy recognises that in recent years services that the community have valued such as a post office and police station have closed. The Policy actively supports the conversion of existing commercial units to alternative commercial units subject to appropriate conditions relating to demonstrable employment provision, protection of amenity and off street car parking.

21.2 This is a positive land use proposal that will support the local economy.

21.3 Recommendation: I do not recommend any changes to this policy.

## **22.0 Community Infrastructure**

### **Policy CI 1 Provision of Leisure Facilities for children and young people**

22.1 The Community Infrastructure proposals begin in Section 9 with an assessment of the existing facilities. This demonstrates that although Kessingland has a good quality and range of play spaces it is under provided in terms of equipped play spaces and facilities for teenagers are poor.

22.2 The Policy confirms that support will be given for planning applications that include provision of leisure facilities for children. The policy states that new residential developments will be expected to have assessed the likely needs of the resident under 16 population. ***I do not consider that this principle is appropriate for small scale infill developments and recommend that should only be applied to schemes of 10 units or more. The second sentence should therefore read “New residential developments of 10 homes or more...”***

22.3 Recommendation: Subject to the above change I do not recommend any changes to this policy.

## **23.0 Policy CI 2 Provision of Sports Facilities**

23.1 This Policy reflects Waveney District Council's assessment that there is limited provision of sports pitches in Kessingland. The Policy therefore supports development proposals that provide or enable expanded sports facilities.

23.2 Recommendation: This is a positive policy. I do not recommend any changes to this policy.

#### **24.0 Policy CI 3 Provision of an Early Years Centre, land off Francis Road**

24.1 This Policy relates to a proposal that is already under discussion for the provision of a new facility that will provide a range of day care services. This is a positive land use proposal for the site of former tennis courts off Francis Road. This will provide jobs and a much needed facility for local people and contribute to the enhanced sustainability of Kessingland. ***The proposal originally was for a Children's Centre but on the advice of Suffolk County Council this was changed to an Early Years Centre. The heading in the Proposals map needs to be changed from Children's Centre to Early Years Centre.***

24.2 Recommendation: Subject to the above change I do not recommend any changes to this policy.

#### **25.0 Policy CI 4 Provision of Additional Care Facilities, Land off Church Road**

25.1 This Policy is a positive response to the needs of an ageing population profile. The Policy seeks to allocate a site off Church Road for the provision of Care Facilities. The allocation of this site broadly follows Waveney's policy CS11 and the Council have confirmed that it is not in conflict with the Local Plan. The site is adjacent to an existing Care facility. It is well screened from the road and there is an appropriate condition regarding retention of the existing frontage tree belt. ***I recommend that the second bullet point should read ... and suitable screening of buildings on the southern and western boundary of the site:***

25.2 Recommendation: Subject to the above change I do not recommend any changes to this policy.



## 26.0 Environment and Green Spaces

### Policy E1 Protection and Maintenance of Local Green Spaces

26.1 The Environmental Policies are in Section 10 and begin with recognition that Waveney District Council's 2015 Open Space Assessment indicated that Kessingland is under served and should have access to at least one space equivalent to a park. Since that cannot be provided the Plan has identified the importance of the network of small green spaces within the village.

26.2 The NPPF enables local communities to identify green areas of local significance for special protection. Paragraph 76 states that by designating areas as Local Green Space "local communities will be able to rule out development other than in very special circumstances". Local Green Space is a restrictive policy designation. It provides protection equivalent to Green Belt. The Framework indicates that **Local Green Space designation will not be appropriate for most green areas or open space**. It is essential therefore that it meets all of the key justification criteria, namely being not extensive tracts of land, being of local significance "**for example for its beauty, historical significance, recreational value (including as a playing field) tranquillity or richness of its wildlife**" and in reasonable proximity to the community it serves.

26.3 The Policy identifies 36 well used green spaces within the area that provide significant community benefit. These include four allotment sites, four play spaces and 28 amenity green spaces. Appendix 1 of the Plan provides photographs of each site. I inspected each of these sites on my site visit and unfortunately the photos are not all captioned correctly. However I have made an assessment of each site. I consider that nine of the sites identified which are used for play areas or allotments meet all of the criteria for Local Green Space. These are:

- No 1 Community Recreation Ground, Francis Road
- No 2 Play Area Rider Haggard lane
- No 3 Church Road Play area and Picnic area
- No 4 Marram Green play area
- No 8 High Street 1

- No 33 Church Road Allotments
- No 34 St Edmunds East allotments
- No 35 St Edmund West allotments
- No 36 The Mardles allotments

26.4 I recognise that the remaining 27 sites meet some of the LGS criteria since they are reasonably close to the community they serve and are not extensive tracts of land. However I do not consider that these areas are demonstrably special in terms of their beauty, historic significance, tranquillity or richness of their wildlife. ***I therefore recommend that Policy E1 is amended to exclude all sites apart from those identified above and that they are numbered 1-9. A new Figure 10.1 Local Green spaces will be needed.***

26.5 Recommendation: Subject to the above amendments I do not recommend any changes to this policy.

## **27.0 Tourism**

### **Policy TO 1 Protection of Tourist Accommodation**

27.1 The Neighbourhood Plan recognises that tourism plays an important part of the economy of Kessingland. The area immediately to the east of the Physical Limits Boundary has been used for holiday accommodation for many years with restrictions on their occupation ensuring that they are not seen as permanent residences.

27.2 This Policy identifies the area as a Tourism protection area with a strong presumption against the loss of accommodation intended for tourists.

27.3 Recommendation: I do not recommend any changes to this policy.

## **28.0 Flooding and Drainage**

### **Policy FD 1 Minimising the impact of Flooding from Development**

28.1 The coastal location of Kessingland has ensured that the issues of flooding and drainage were considered during the Plan preparation. Although

none of the areas that are proposed for development are likely to be at risk of flooding the Plan proposes a Policy setting out expectations of any development proposals that come forward. These have included the recommended wording provided by Anglian Water and Suffolk County Council.

28.2 Recommendation: I do not recommend any changes to this policy.

## **29.0 Summary and Recommendation**

29.1 I am satisfied that the Neighbourhood Plan meets the Basic Conditions and would like to congratulate the Kessingland Parish Council for the considerable amount of work that they have undertaken to produce the Plan. The Plan positively promotes housing and other development. It demonstrates the clear vision and aspiration of the community to improve both the physical environment and the life chances of the residents.

29.2 It is evident that the Council have supported the process.

29.3 In accordance with Schedule 4B to the Town and Country Planning Act 1990, outlined below is a summary of my findings.

I am satisfied that Kessingland Parish Council is an appropriate Qualifying Body and is therefore able to produce and submit a Neighbourhood Development Plan for the Parish of Kessingland. I am satisfied that the area included in the Kessingland Neighbourhood Plan is appropriate and was designated accordingly by Waveney District Council. I am also satisfied that the Kessingland Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

29.4 The Plan covers the period from 2016 to 2030.

29.5 I am satisfied that the Kessingland Neighbourhood Plan takes sufficient regard to National Planning Policies and guidance and that the Plan does not make any provision for any excluded development.

29.6 I consider that the Kessingland Neighbourhood Plan policies, subject to minor modifications, will make a positive contribution to sustainable

development. The policies could promote economic growth and serve to maintain and enhance the physical appearance of the area. The production of the Plan should provide confidence to the community.

29.7 I understand that Waveney District Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required. It concluded that there were policies included in the Neighbourhood Plan that had meant an SEA was required. I consider therefore that the legal requirements of the EU's SEA Directive have been met. The Neighbourhood Plan proposals will have no significant effects on the environment or any European sites.

29.8 I consider that the Plan complies with the rights outlined in the Human Rights Act.

29.9 I consider that extensive public consultation has taken place, led by the Parish Council but supported by the Local Authority. I am satisfied that the public consultation meets the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

29.10 I conclude that the Plan meets the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

29.11 In accordance with the Town and Country Planning Act 1990, Schedule 10 (2) (b) I recommend the modifications specified in this report are made and that the draft Neighbourhood Plan for Kessingland is submitted for a Referendum.

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