

Kessingland Neighbourhood Plan

Decision Statement

The Neighbourhood Planning (General) Regulations 2012 – part 5, paragraph 18

1. Summary

- 1.1 Following an independent examination, Waveney District Council now confirms that the Kessingland Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum subject to the modifications set out in section 3.

2. Background

- 2.1 Kessingland Parish Council as the qualifying body successfully applied for Kessingland Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The neighbourhood area was designated by Waveney District Council on 20th July 2013.
- 2.2 The Kessingland Neighbourhood Plan was published by Kessingland Parish Council for pre-submission consultation (Regulation 14) in November 2015.
- 2.3 Following the submission of the Kessingland Neighbourhood Plan (submission version) to Waveney District Council in May 2016, the plan was publicised and comments invited over a six week period which closed 27th June 2016.
- 2.4 Waveney District Council, with the agreement of Kessingland Parish Council appointed an independent examiner, Dr. Angus Kennedy OBE, MA, MRTPI, MCIH, to review the plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to referendum.
- 2.5 The Examiners Report concluded that subject to modifications identified in the report the Kessingland Neighbourhood Plan should proceed to Referendum. The Examiner further recommends that the referendum area should be the same as the designated neighbourhood area, which is the same as the administrative boundary for Kessingland parish.

2.6 Following receipt of the Examiners Report, legislation requires that Waveney District Council consider each of the modifications recommended the reasons for them, and decide what action to take.

3. Decision and Reasons

3.1 Waveney District Council, under powers delegated to the Head of Planning and Coastal Management in consultation with the Cabinet Member for Planning and Coastal Management, has considered each of the modifications recommended and concurs with the reasoning provided by the Examiner in his Report dated August 2016. With the Examiner’s recommended modifications, Waveney District Council has decided (decision dated 13th October 2016) that the Kessingland Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and is compatible with the Convention rights and complies with provision made by or under Section 38A and 38B of the Planning and Compulsory Purchase Act 2004. As a consequence, Waveney District Council will modify the Kessingland Neighbourhood Plan accordingly, for it then to proceed to referendum.

3.2 The Council has considered the referendum area and has decided there is no reason to extend the neighbourhood area for the purposed of referendum. The Referendum area will be the same as the designated Neighbourhood Area covering the entire parish of Kessingland.

3.3 The list of modifications and actions required are set out in the following table. As a consequence of these changes the Kessingland Neighbourhood Plan (referendum version) has accordingly been re-formatted (paragraph numbers/page numbers, headers etc).

Examiners recommendation	Reason for the change	Action by WDC
Add policy CS17 to the list of relevant Local Plan policies in para. 2.31.	Agree with the examiner. This change will align the Neighbourhood Plan with strategic objectives in policy CS17.	Bullet point added to para. 2.31: “Policy CS17 (Built and Historic Environment) – Proposals for development are expected to protect and enhance the built and historic environment, including listed buildings, locally listed buildings, scheduled ancient monuments, sites of archaeological interest and their settings and the local distinctiveness of existing non-designated built environments.”
Delete “Submission Stage (Regulation 16) Consultation”	Agree with examiner. Regulation 16 consultation stage is now	“Submission Stage (Regulation 16) Consultation” deleted from the

Examiners recommendation	Reason for the change	Action by WDC
from the front cover	complete.	front cover.
<p>Add an additional bullet point to the Environment objectives stating: “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”.</p> <p>The Steering Group may also wish to include another potential action under the environment heading relating to the identification of non-designated heritage assets within the area.</p>	<p>Agree with examiner. The change will promote conservation of the environment and contribute to the delivery of sustainable development which is one of the basic conditions.</p> <p>The Steering group have agreed the addition of a new action to the non-land use issue table in 13.1 relating to the identification of non-designated heritage assets within the area.</p>	<p>Add an additional bullet point to the ‘Environment’ objectives reading: “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.”</p> <p>Add a new non-land use issue to table 13.1 reading: Issue – protect heritage assets; possible actions – identify non-designated heritage assets; lead agencies and partner – Kessingland Parish Council; funding needed? – no; priority – medium.</p>
Add a third bullet point to policy BE1 reading: “the commercial premises are relocated within the Plan area”	Agree with examiner. The change will promote sustainable economic development in the Plan area.	Add a third bullet point to policy BE1 reading: “the commercial premises are relocated within the Plan area”
Policy CL1: the principle is not appropriate for small scale infill developments and recommend the that it should only apply to schemes of 10 units or more. The second sentence should read: “New residential developments of 10 homes or more...”	Agree with examiner. The change to a threshold of 10 dwellings is more proportionate to require planning applications to assess and address the needs of the new resident under 16 population.	Change second sentence of policy CL1 to begin: “New residential developments of 10 homes or more...”
Policy CI 3: Change the heading in the Proposals map from Children’s Centre to Early Years Centre.	Agree with Examiner. This will bring the heading in the Proposals map in line with the rest of the Plan.	Change heading in proposals map from “Children’s Centre” to “Early Years Centre”.
Policy CI 4: change the second bullet point to read “...and suitable screening of buildings on the southern <u>and western boundary</u> of the site;”	Agree with examiner. The western edge is relatively long and adjoins open countryside. Suitable screening on the western edge will help limit the visual impact of development in the surrounding landscape, thereby safeguarding the character and quality of the	Change the second bullet point to read: “...and suitable screening of buildings on the southern and western boundary of the site;”

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<p>Policy E1 is recommended to exclude all sites apart from:</p> <ul style="list-style-type: none"> • Community Recreation Ground, Francis Rd • Play Area, Rider Haggard Lane • Church Road Play area and Picnic area • Marram Green plan area • High Street 1 • Church Rd Allotments • St Edmunds East allotments • St Edmunds West allotments • The Mardles allotments <p>These should be numbered 1-9 and a new figure 10.1 Local Green Spaces will be needed.</p>	<p>landscape.</p> <p>Agree with Examiner. The excluded sites do not meet all of the criteria for designation as Local Green Spaces as set out in para. 77 of the National Planning Policy Framework (NPPF). The excluded sites are not demonstrably special in terms of their beauty, historic significance, tranquillity or richness of wildlife. The change to the policy will bring it in line with the NPPF and meet the Basic Conditions for a Neighbourhood Plan.</p> <p>The changes will remove the category ‘amenity green spaces.’</p> <p>Since submission of the Neighbourhood Plan for examination, The Qualifying Body Kessingland Parish Council has altered ‘Play Area Rider Haggard Lane’ to a ‘community garden’. This retains recreational value and therefore still meets the criteria for Local Green Space designation and the Plan therefore still complies with the Basic Conditions. The site should be retained in the list of Local Green Spaces and the name should be changed in the Plan.</p>	<p>Para. 10.6 Amend first sentence of para. 10.6 to say: “...in need of protection fall into three categories:” Delete bullet point 3: “amenity green spaces”</p> <p>Para 10.7 Delete heading “Amenity Green Spaces”. Change bold text headings:</p> <ul style="list-style-type: none"> • “2 Play Area, Rider Haggard Lane” to “ 2 Rider Haggard Community Garden.” • “8 High Street 1” to “5 High Street.” • “33 Church Road allotments” to “6 Church Road allotments”. • “34 St Edmunds East allotments” to “7 St Edmunds East allotments”. • “35 St Edmunds West allotments” to “8 St Edmunds West allotments”. • “36 The Mardles, allotments” to “9 The Mardles allotments”. <p>Delete headings and text for the following sites:</p> <ul style="list-style-type: none"> • 32 Heritage Green 2 • 5 Fishermans Way • 6 St Edmunds Crescent • 7 Coopers Drive • 9 High Street 2 • 10 Smith Crescent • 11 South of Marram Green • 12 Glebe Road West • 13 Manor Walk • 14 Lloyds Avenue 1 • 15 Lloyds Avenue 2 • 16 Lloyds Avenue 3 • Lloyds Avenue 4

Examiners recommendation	Reason for the change	Action by WDC
		<ul style="list-style-type: none"> • Lloyds Avenue 5 • 19 Cathchpole Close • 20 Junction of Church Road and Lloyd’s Avenue • 21 Drury Close • 22 Green Lane • 23 Griffith Close 1 • 24 Griffith Close 2 • 25 Lincoln Court • 26 Lowlands Close • 27 The Nordalls • 28 Peregrine Way • 29 Field Lane 1 • 30 Field Lane 2 • 31 Heritage Green 1 <p>Replace figure 10.1 with an updated version showing the amended 9 Local Green Spaces.</p>