

Leiston Neighbourhood Plan

Decision Statement

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

1. Summary

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

2. Background

2.1 Leiston Town Council as the “qualifying body” successfully applied for Leiston Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The neighbourhood area was designated by Suffolk Coastal District Council on 29th October 2013.

2.2 The Leiston Neighbourhood Plan was published by Leiston Town Council for pre-submission consultation (Regulation 14) in December 2015.

2.3 Following the submission of the Leiston Neighbourhood Plan (submission version) to Suffolk Coastal District Council, the plan was publicised and comments invited over a six week period which closed 31st August 2016.

2.4 Suffolk Coastal District Council, with the agreement of Leiston Town Council appointed an independent examiner Mr Nigel McGurk BSc(Hons) MCD MBA MRTPI, 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 Leiston 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 Leiston Town Council parish.

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

3. Decision and Reasons

3.1 Suffolk Coastal 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 7th November 2016. With the Examiner's recommended modifications, Suffolk Coastal District Council has decided (delegated decision dated 8th December 2016) that the Leiston 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, Suffolk Coastal District Council will modify the Leiston 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 Leiston.

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

Examiners recommended modification (RM)	Examiners reason for the change	Action by SCDC
<p><u>Mod 1</u></p> <ul style="list-style-type: none"> • Para 2.9, add “...wind industry, <i>amongst other things</i>. The role...” • Delete Paras 5.6 and 5.7 and replace with “<i>Suffolk County Council is the authority responsible for all types of emergency planning and its Joint Emergency Planning Unit maintains the offsite emergency plan in respect of any incidents at Sizewell. Suffolk Coastal District Council is the local planning authority and should consult the Office for Nuclear Regulation in relation to development proposals within the Detailed Emergency Planning Zone at Sizewell, or which could potentially affect the nuclear site.</i>” 	<p>To improve clarity</p>	<p>Agree. Amend paragraphs 2.9; 5.6 and 5.7 as recommended.</p>
<p><u>Mod 2</u></p> <ul style="list-style-type: none"> • Delete the references to “Relevant District Local Plan Core Strategy policies” after each Policy. 	<p>Each Policy section commences with references to the National Planning Policy Framework and the Adopted Core Strategy. These references appear limited in their scope, subjective and unnecessary.</p> <p>At draft stage, including references to “<i>relevant</i>” Core Strategy policies at the end of each Neighbourhood Plan Policy might have been helpful. However, the inclusion of subjective references after each Policy in the final version of the</p>	<p>Agree. Delete references as recommended.</p>

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	Neighbourhood Plan detracts from the clarity of the Policies themselves and provides scope for confusion.	
<p><u>Mod 3</u></p> <ul style="list-style-type: none"> • Policy PL1 delete “...they are in accordance with the Suffolk Coastal Core Strategy policies in respect of appropriate uses in the countryside: or” • Taking the above change into account, delete the “:” after “unless” and the bullet point before “they relate to necessary utilities...” • Change the Proposals Map to include the area identified on page 33 of the Neighbourhood Plan. 	<p>Policy PL1 establishes a Physical Limits Boundary. This is shown on the Proposals Map, on page 75 of the Neighbourhood Plan, although it fails to include an area of residential development identified on page 33 of the Neighbourhood Plan. The boundary, within which Policy PL1 states that development will be focused, includes housing land allocations.</p> <p>In providing for future housing development focused upon the market town of Leiston, the Neighbourhood Plan, through the Physical Limits Boundary, has regard to national policy. It does so in a manner that affords protection to the countryside, in general conformity with the strategic policies of the Core Strategy. Consequently, the overall approach set out in Policy PL1 contributes to the achievement of sustainable development.</p> <p>The first bullet point in Policy PL1 sets out a requirement that relates directly to another Policy in another planning document outside control of the</p>	<p>Agree. Amend policy PL1 as recommended. Amend Proposals Map to include area noted in plan on page 33 as Area under residential development.</p>

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	Neighbourhood Plan. It is not the role of the Neighbourhood Plan to repeat, apply or control existing Policies in other adopted planning documents.	
<p><u>Mod 4</u></p> <ul style="list-style-type: none"> • Policy H1, change opening of Policy to <i>“The development of around 400 dwellings in Leiston is supported. Land is allocated for housing at the following sites:”</i> • Delete lines 11 and 12 (“In addition to these...material planning considerations.”) • Delete final paragraph of Policy (“The delivery of...will be refused.”) • Delete Paragraphs 5.18 to 5.22, inclusive. Replace with reference to the quotation from the joint statement above (<i>“In August 2016, the Environment Agency and Anglian Water Services confirmed that there is sufficient...”</i>) 	<p>The wording of the introductory sentence of the Policy fails to have regard to that part of Planning Practice Guidance, which requires planning policies to be precise and concise. The Neighbourhood Plan itself will not provide any dwellings, it simply allocates land for them.</p> <p>The Policies of the Neighbourhood Plan need to be considered as a whole and there is no need to cross reference individual Policies within the Policy wording. This detracts from the concise wording of Policies, as required by Planning Practice Guidance. Further, the Policy does not define <i>“infill”</i> development, resulting in Policy H1 failing to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>The final paragraph of the Policy seeks to prevent any residential development from coming forward until there is confirmation</p>	<p>Agree. Amend plan in accordance with recommendations.</p>

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	<p>of sufficient treatment and sewerage network capacity. However, no substantive evidence has been provided to demonstrate that there is no scope for such capacity. Rather, in a joint statement, the Environment Agency and Anglian Water Services have stated:</p> <p><i>"...there is sufficient capacity to accommodate the proposed employment and residential growth identified in the latest review of Suffolk Coastal Local Plan and indeed in the Leiston Neighbourhood Plan."</i> (18 August 2016)</p>	
<p><u>Mod 5</u></p> <ul style="list-style-type: none"> • Policy H2, change opening sentence to <i>"Developments of more than 10 dwellings should provide..."</i> 	<p>As established, a neighbourhood planning policy needs to be in general conformity with the adopted strategic policies of the development plan. There is no need for Policy H2 to state that it is <i>"in line"</i> with the Core Strategy. This detracts from the concise nature of the Policy, having regard to the requirements of Planning Policy Guidance, identified earlier in this Report</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 6</u></p> <ul style="list-style-type: none"> • Policy H3, change second bullet point to: <i>"New housing development should provide</i> 	<p>In general, Policy H3 seeks to provide for good design and meets the basic conditions. However, as worded, the</p>	<p>Agree. Amend plan in accordance with the recommendation.</p>

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<p><i>usable private open space...communal gardens</i></p> <ul style="list-style-type: none"> • Delete “Sufficient off-street parking in line with Policy TM3; and” • Para 5.29, from second sentence, change to “...units, the Town Council would like developers to carry out an assessment...appropriate and provide developments that are broadly in keeping with these surrounding densities. Where appropriate, the assessments will be encouraged to note and address...very high.” • Para 5.31, change to “The Town Council would like to see private open space incorporated into design. If...open space, then the Town Council would consider this acceptable, subject to the consideration of accessibility...” 	<p>second part of the Policy only requires proposals to demonstrate that they “<i>can provide</i>” something, rather than require that they should do so. This does not reflect the supporting information and I make a recommendation in this regard below.</p> <p>Further, the Policy seeks to repeat the requirements of another Policy. This is unnecessary and detracts from the concise nature of Policy H3.</p> <p>Part of the supporting text reads as though it comprises part of the Policy, which it does not. This is confusing and inappropriate.</p>	
<p><u>Mod 7</u></p> <ul style="list-style-type: none"> • Policy H4, delete second sentence “Development proposals must...regulations.” 	<p>The first part of Policy H4 supports a move towards carbon neutral development and has regard to national policy and is in general conformity with the Core Strategy. However, it is not the role of neighbourhood plans to require development to exceed regulations and further, no indication is provided in the Policy or supporting text of what “<i>current regulations</i>” comprise or what role the Neighbourhood Plan has in controlling, managing or implementing these. This part of the Policy is imprecise.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><u>Mod 8</u></p> <ul style="list-style-type: none"> • Create new Para 6.9 <i>“Elements of mitigation to protect European sites, identified through the Core Strategy Appropriate Assessment, will be delivered through the emerging Suffolk Coastal District Council Recreational Avoidance and Mitigation Strategy. This will include details and a timeframe for the implementation of the required mitigation and a funding mechanism for its delivery. The delivery of this mitigation within an appropriate timeframe can help to ensure that housing development in Leiston will not have an adverse effect on European sites.”</i> 	<p>Whilst it is not a legislative requirement for a neighbourhood plan to allocate land for development, it may, if plan-makers wish, seek to do so. The Leiston Neighbourhood Plan allocates land for development. The housing land allocations have emerged through an assessment process which formed part of the consultation carried out on the Neighbourhood Plan. The housing sites were assessed as part of the Sustainability Appraisal.</p> <p>Whilst each of the housing sites are named in Policy H1, this section of the Neighbourhood Plan provides more detail and Policy requirements in respect of each land allocation. Earlier in this Report, I drew attention to representations made by Natural England in respect of the Neighbourhood Plan’s compatibility with European legislation. An additional paragraph is recommended to reflect this.</p>	
<p><u>Mod 9</u></p> <ul style="list-style-type: none"> • Policy SA1, change opening sentence to <i>“Land is allocated for residential development on 7.5...”</i> 	<p>Policy SA1 states that <i>“planning permission will be granted.”</i> This approach runs the risk of pre-determining development proposals without taking all relevant factors into account and has the</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<ul style="list-style-type: none"> • Line four, delete “...appropriate...” • Delete third and fourth bullet points • Fifth bullet point, replace “appropriate” with “safe” • Last bullet point, replace “...an attractive...” with “...a...” • Add two new sentences at the end of the Policy: <i>“The development should include a Sustainable Drainage System (SuDS) and where possible, enhance biodiversity. The development should provide on-site open space in respect of ensuring no adverse effects on European sites.”</i> 	<p>potential to undermine the planning application process.</p> <p>Parts of Policy SA1 are imprecise. For example, no indication of what “adequate provision” of Sustainable Urban Drainage Systems actually means, or who would be the arbiter of what is, or is not, “adequate” and on what basis.</p> <p>Similarly, the phrases “appropriate parking...appropriate vehicle access” and “attractive link to the public right of way” are subjective and imprecise terms without any explanation. They do not have regard to national policy, as set out in Planning Practice Guidance.</p> <p>No information is provided to demonstrate that development can “enhance” wildlife. Furthermore, no evidence is provided to demonstrate that it would be viable and possible for it to do so, having regard to Paragraph 173 of the Framework.</p> <p>Simply demonstrating that development can enhance wildlife is not the same as it actually doing so.</p> <p>Notwithstanding this, I am mindful that, according to Paragraph 109 of the Framework, the planning system should provide net gains in biodiversity where</p>	

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	<p>possible and take this into account in making my recommendations.</p> <p>The provision of on-site open space as part of each residential land allocation provides important mitigation in respect the protection of European sites and his is taken into account in the recommendation.</p>	
<p><u>Mod 10</u></p> <ul style="list-style-type: none"> • Policy SA2, change opening sentence to <i>“Land is allocated for residential development on 2...”</i> • Delete third and last bullet points • Fourth bullet point, replace “appropriate” with <i>“safe”</i> • Delete last paragraph • Add the following new sentences at the end of the Policy: <i>“The development should include a Sustainable Drainage System (SuDS). The development should provide on-site open space in respect of ensuring no adverse effects on European sites. An improved footpath along the existing public right of way to the north of the site, providing access to Alde Valley School, Leiston Primary School and to King George’s Avenue should be provided.</i> 	<p>A number of the comments made in respect of Policy SA1 also apply to Policy SA2. These relate to the use of the phrase <i>“planning permission will be granted... adequate provision... appropriate vehicle access”</i>. In addition the final bullet point refers to <i>“any necessary highway improvements”</i>. By definition , a necessary requirement will need to be implemented. This reference is unnecessary and detracts from the concise nature of Policy SA2.</p> <p>Final paragraph states <i>“contributions will be sought”</i>. The policy is imprecise with regards to specifically what contributions will be sought and on what basis – ref Framework paragraph 204. Paragraph 75 of the Framework states <i>“Planning policies should protect and enhance public rights of way and access”</i>. The recommendation takes this into account.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><u>Mod 11</u></p> <ul style="list-style-type: none"> • Policy SA3, change opening sentence to “<i>Land is allocated for residential development on 5...</i>” • Second bullet point, change first line to “<i>the amenity of future occupiers of residential...</i>” • Delete fifth, seventh and last bullet points • Penultimate bullet point, replace “appropriate” with “safe” • Add the following new sentences at the end of the Policy: “<i>The development should include a Sustainable Drainage System (SuDS). The development should provide on-site open space in respect of ensuring no adverse effects on European sites.</i>” • Part of the supporting text reads as though it comprised a Policy, which it does not. Para 6.27, line three, change to “<i>The Town Council is keen to see the development provide a...before this is done, the Town Council recommends that a mechanism is agreed...The provision of landscaping on the north side of this new access-way would provide further screening.</i>” 	<p>A number of the comments made in respect of Policy SA1 and Policy SA2 also apply to Policy SA3. These relate to the use of the phrase “<i>planning permission will be granted... adequate provision... appropriate vehicle access...any necessary highway improvements</i>”.</p> <p>Reference to the amenity of “<i>residential properties</i>” should be to the amenity of “<i>future occupiers of residential properties</i>”.</p> <p>The seventh bullet point refers to the need to gain the “<i>agreement</i>” of all affected residents. No evidence is provided to demonstrate that this is a viable or deliverable proposition (Framework paragraph 172).</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><u>Mod 12</u></p> <ul style="list-style-type: none"> • Policy SA4, change opening sentence to “<i>Land is allocated for residential development on 2.6...</i>” • Second bullet point, change first line to “<i>the amenity of future occupiers of residential...</i>” • Delete third bullet point • Fourth bullet point, delete “<i>suitable</i>” • Penultimate bullet point, replace “<i>appropriate</i>” with “<i>safe</i>” • Add the following new sentences at the end of the Policy: “<i>The development should include a Sustainable Drainage System (SuDS). The development should provide on-site open space in respect of ensuring no adverse effects on European sites.</i>” • Delete Para 6.39 (which appears as a Policy, but is not) • Para 6.41, change second line to “<i>...and Policy SA4 provides for a dedicated pedestrian crossing to this footpath...</i>” • Last line of Para 6.43, change to “<i>...provided, it would be appropriate for it to address the needs...</i>” 	<p>A number of the comments made in respect of Policies SA1, SA2 and SA3, also apply to Policy SA4. These relate to use of the phrase “<i>planning permission will be granted...amenity of residential properties...adequate provision...appropriate vehicle access.</i>” The Policy also introduces the imprecise and undefined term “<i>suitable</i>” in respect of the provision of a pedestrian crossing.</p> <p>Part of the supporting text is written as though it comprises part of the Policy which it does not.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 13</u></p> <ul style="list-style-type: none"> • Policy IN1, change to: “<i>The development of new beach huts at Sizewell will be supported provided that: they are reserved for use by</i> 	<p>Core Strategy Strategic Policy SP24 (<i>Leiston</i>) promotes the development of Leiston’s role “<i>for its own residents</i>” and Policy IN1 is in general conformity with this.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><i>residents of Leiston-cum-Sizewell Parish; or that first refusal on the purchase or lease of a beach hut is given to residents of Leiston-cum-Sizewell Parish.</i></p>	<p>However, as set out, the Policy relates less to land use than to an undefined “mechanism.” It also refers to the undefined term “local community” rather than reflecting the reference to “residents” in Strategic Policy SP24. This leads the Policy to appear imprecise.</p>	
<p><u>Mod 14</u></p> <ul style="list-style-type: none"> • Policy IN2, seventh bullet point, delete “and playground” • Eighth bullet point, change to “<i>it must be demonstrated that the dwellings comprise lifetime homes, capable of providing living accommodation for older people;</i>” • Delete ninth and last bullet points • Para 7.10, first line, change to “Access to the site <i>would</i> continue...” 	<p>It is not clear what the sympathetic development of a playground might comprise and this part of the Policy is imprecise. Further, the needs of older people are undefined and consequently, the Policy is not clear with regards how a dwelling unit should address these. However, I note that the Policy’s intention of providing housing for older people has regard to Paragraph 50 of the Framework and I make a recommendation in this regard.</p> <p>Policy IN2 requires residential units to be “<i>restricted to the boundary with Victory Road.</i>” This wording is unclear and suggests that houses will be built only at this boundary. No indication of how this might occur is provided.</p> <p>The Policy goes on to require parking provision to “<i>help relieve</i>” problems on</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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	<p>Victory Road. These problems are not defined, no indication is provided regarding how many parking spaces will be provided in this regard, nor is any evidence presented of how this will resolve the undefined problems. This part of the Policy is imprecise.</p> <p>Part of the supporting text reads as though it comprises policy which it does not.</p>	
<p><u>Mod 15</u></p> <ul style="list-style-type: none"> • Para 7.12, first line, change to <i>“The Town Council will, where possible and appropriate, seek contributions from development to support the funding of these...”</i> 	<p>Policy IN3 is a positive planning Policy which supports the provision of new community facilities. Part of the supporting text (7.12) reads as though it comprises a Policy which it does not.</p>	<p>Agree. Amend plan in accordance with the recommendation.</p>
<p><u>Mod 16</u></p> <ul style="list-style-type: none"> • Policy LG1, delete from “Proposals for built development...” to the end of the Policy and replace with <i>“Development within a Local Green Space is ruled out other than in very special circumstances.”</i> • In the light of the above, I also recommend: change the title of Policy LG1 to <i>“Local Green Space”</i> 	<p>Policy LG1 identifies three areas for protection as Local Green Space. Evidence is provided to demonstrate that each of these meet the criteria set out in the Framework. In addition, the boundary of each Local Green Space is clearly identified on Figure 8.2.</p> <p>Taking the above into account, I find that the designation of Local Green Space in the Neighbourhood Plan meets the basic conditions.</p> <p>However, the wording of Policy LG1 fails to have regard to the requirements of the</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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	<p>Framework in respect of Paragraph 76, which clearly establishes the land use planning role of Local Green Space. The Framework does not define “<i>very special circumstances</i>” as these are not limited (as proposed by Policy LG1), but will depend upon the specific circumstances related to any proposal.</p>	
<p><u>Mod 17</u></p> <ul style="list-style-type: none"> • Policy LG2, change to: “<i>Development must respect local character and have regard to the important role played by the Neighbourhood Area’s greens and verges.</i>” • Para 8.14, delete the last sentence (“It is therefore...development.”) 	<p>No indication is provided of when a development would “<i>directly</i>” impact on a green or a verge and more fundamentally, it is not clear how a development can enhance the role of a green or a verge, or whether such (undefined) enhancement would be viable, or even necessary. Consequently the policy is imprecise and does not provide a decision maker with a clear indication as to how to react to a development proposal. The supporting text refers to protecting verges and greens from development but this is not what Policy LG2 seeks to do.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 18</u></p> <ul style="list-style-type: none"> • Delete Policy HE1 • Delete Paras 8.16 to 8.18 	<p>Policy HE1 requires all development to enhance the setting of heritage assets. Such an onerous requirement goes well beyond national policy. No justification is provided for this requirement. The Policy also requires the setting of heritage assets to be “<i>sustained</i>” but does not provide</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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	<p>any indication of what this might mean in practice.</p> <p>The Policy goes on to seek to prevent <i>“incongruous tall buildings in prominent locations in views that contribute to the significance”</i> of heritage assets. No indication of where such views exist is provided and consequently, the Policy is imprecise. Further, it is not clear why the provision of (undefined) <i>“attractive frontages”</i> with areas of open landscape relates to the protection of heritage assets.</p> <p>Policy HE1 is imprecise. It fails to have regard to national policy without justification. It does not meet the basic conditions.</p> <p>I note that national policy affords appropriate protection to heritage assets.</p>	
<p><u>Mod 19</u></p> <ul style="list-style-type: none"> • Para 9.4, last bullet point, last sentence, change to <i>“Policy TM1 supports the closure of this stretch of road as a through route to traffic.”</i> 	<p>Policy TM1 is a positive land use planning Policy that supports improved access for cyclists and pedestrians. It has regard to national policy and contributes to the achievement of sustainable development.</p> <p>Part of the supporting text reads as though it was a Policy which it is not.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><u>Mod 20</u></p> <ul style="list-style-type: none"> • Policy TM2, change to “<i>Development that would result in severe residual cumulative impacts on any of the junctions of Waterloo Avenue/B1112; B1112/Cross Street; or Cross Street/Sizewell Road/High Street, will only be acceptable if the cumulative impacts are mitigated such that they would no longer be severe.</i>” • Para 9.8, add “...required and the Town Council recommends that this be discussed with the...” 	<p>Paragraph 32 of the Framework states that: <i>“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”</i> Policy TM2 has regard to this, but is not concise. Also, part of the supporting text reads as though it comprises a Policy, which it does not.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 21</u></p> <ul style="list-style-type: none"> • Policy TM3, delete “Development that results in...spaces would be lost.” • Para 9.10, delete last sentence (“Therefore it is...parking.”) • Para 9.12, second sentence, change to “<i>Policy TM3 establishes that new residential...</i>” • Para 9.13, change to “<i>The Town Council will seek to resist any reduction of any existing parking provision, unless it can be appropriately re-provided.</i>” 	<p>As worded, the second part of Policy TM3 runs the risk of pre-determining the planning application process and does not allow for the consideration of a range of factors that may be relevant in the consideration of the overall sustainability of development. Further, requiring the re-provision of car parking spaces in “<i>immediate proximity</i>” is open to interpretation and imprecise, and it could prevent development that is sustainable from going ahead.</p> <p>Part of the supporting text reads as though it comprises a Policy, which it does</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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	not and part of Paragraph 9.10 contradicts the Neighbourhood Plan, which recognises that there are high levels of on-street parking in Leiston, due to the nature of the town.	
<p><u>Mod 22</u></p> <ul style="list-style-type: none"> • Policy TM4, change opening sentence to “<i>Any redevelopment of communal parking garages must provide alternative and equivalent parking space.</i>” • Rest of Policy, replace “parking/storage” with “parking” • Para 9.15, change to “...and therefore, the Town Council considers that their redevelopment should be dependent upon the provision of equivalent garage space elsewhere.” 	<p>Use of the phrase “<i>will not be permitted,</i>” runs the risk of predetermining the planning application process, without taking all relevant factors into account. Further, the Neighbourhood Plan provides no indication of why garages need to provide storage space as an alternative, or in addition to, car parking.</p> <p>Part of the supporting text reads as though it comprises a Policy, which it does not.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 23</u></p> <ul style="list-style-type: none"> • Policy FL1, delete second sentence • Delete Para 10.12 	<p>The first part of Policy FL1 seeks to ensure that development does not increase flood risk to existing properties and has regard to national policy.</p> <p>The second part of the Policy seeks to impose requirements on other bodies. This is not the role or function of the Neighbourhood Plan.</p> <p>Paragraph 10.12 states that the waste water treatment works in Leiston are close to capacity. This is not the case.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

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<p><u>Mod 24</u></p> <ul style="list-style-type: none"> • Policy TC1, delete “, unless there are new...Plan” 	<p>Policy TC1 establishes Leiston town centre as the preferred location for retail and other uses. This approach has regard to national policy and is in general conformity with the Core Strategy. As noted earlier, the Neighbourhood Plan needs to be read as a whole and use of the phrase “<i>unless there are overriding material considerations, or in accordance with other policies of this Neighbourhood Plan</i>” is unnecessary and results in a Policy that is less concise than it could be.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 25</u></p> <ul style="list-style-type: none"> • Policy TC2, change opening sentence to “<i>The mixed use development of land at High Street, Leiston, as shown on the Proposals Map, will be supported, subject to the following criteria:</i>” • Change last bullet point to “<i>Public parking must not amount to less than that currently provided.</i>” • Para 11.14, change to “The development <i>can</i> provide...such a development <i>would</i> have...It <i>can</i> also give...” 	<p>Policy TC2 promotes the redevelopment of a town centre site having regard to national policy and in general conformity with the Core Strategy. However, as worded, Policy TC2 states that “<i>planning permission will be granted.</i>” This approach runs the risk of pre-determining development proposals without taking all relevant factors into account. It undermines the planning application process. The last criterion of the Policy seeks to impose requirements from another document, not within the control of the Neighbourhood Plan. Part of the supporting text reads as</p>	<p>Agree. Amend plan to accord with recommendation.</p>

Examiners recommended modification (RM)	Examiners reason for the change	Action by SCDC
	though it is a Policy which it is not.	
<p><u>Mod 26</u></p> <ul style="list-style-type: none"> • Policy TC3, delete everything after the first sentence • Delete Para 11.21 and replace with <i>“Car parking plays an important role in maintaining the vitality of the Town Centre. Consequently, the Neighbourhood Plan supports their retention.”</i> 	<p>There is no need to cross reference another Policy in the Neighbourhood Plan and in any case changes are recommended to Policy TC2 in this report.</p> <p>The second paragraph of Policy TC3 is confusing. The Policy already states that town centre car parks will be retained, so does not need to state that development of these sites that result in a loss of parking will be refused. The Policy then goes on to state that alternative provision may be made elsewhere. This is in direct contradiction of the start of the Policy. As a consequence of the above, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>The supporting text to Policy TC3 is confusing. It is not the role of the Neighbourhood Plan to “retain” or “amend” District-wide policies.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>
<p><u>Mod 27</u></p> <ul style="list-style-type: none"> • Delete Policy TC4 • Delete Para 11.23 • Provide new <i>“Community Action: The Town Council will seek to encourage environmental improvements to the floorspace and street furniture of the High Street and Sizewell Road in</i> 	<p>Policy TC4 is not a land use planning policy. Whilst it sets out an aspiration of the Town Council, it does not provide any mechanism for environmental improvements or the complementary provision of new shop fronts and advertisements to take place.</p>	<p>Agree. Amend plan in accordance with recommendation.</p>

Examiners recommended modification (RM)	Examiners reason for the change	Action by SCDC
<p><i>the town centre; along with a complementary high quality approach to the design and materials of new shop fronts and advertisements.”</i></p> <p>NB, this is not a Policy and should not be set out within a blue box.</p>	<p>It is not the role of the Neighbourhood Plan to “<i>retain</i>” Districtwide policies. Rather than lose sight of the aims set out, I recommend the introduction of a Community Action, which, whilst not a Policy, ensures that the Neighbourhood Plan captures a local aspiration.</p>	
<p><u>Mod 28</u></p> <ul style="list-style-type: none"> • Policy EMP1, delete “Unless...Plan.” Start the Policy “<i>On the Industrial...</i>” • Delete Para 12.8, which is beyond the control of the Neighbourhood Plan 	<p>There is no need to cross-reference other Policies.</p> <p>Whilst the Neighbourhood Plan’s approach to employment is limited in its scope, I note, in response to a representation, that failing to provide more detailed information in respect of the decommissioning of Sizewell A does not lead the document to fail to meet the basic conditions.</p> <p>Sizewell is a major employer and it has an impact on the Neighbourhood Area. However, it is not a requirement that the Neighbourhood Plan must provide more recognition of Sizewell as a local employer, acknowledge a scheme to mitigate against socio-economic consequences of decommissioning or acknowledge proposals associated with</p>	<p>Agree. Amend plan in accordance with recommendation</p>

Examiners recommended modification (RM)	Examiners reason for the change	Action by SCDC
	such.	
<u>Mod 29</u> <ul style="list-style-type: none"> Policy ACC1, change opening to <i>“The provision of touring...Proposals Map, will be supported.”</i> 	Policy ACC1 states that <i>“planning permission will be granted.”</i> This approach runs the risk of pre-determining development proposals without taking all relevant factors into account. It undermines the planning application process.	Agree. Amend plan in accordance with recommendation.
<u>Mod 30</u> <ul style="list-style-type: none"> Update the Contents pages and paragraph/Policy numbering to reflect the recommendations above 	The recommendations made in this Report will have a subsequent impact on page numbering and Contents.	Agree. Update as necessary,

The Council further agrees with the Examiners conclusions as set out in Section 8 Summary section of his report in which he states:

Taking the above (recommended modifications) into account *“... the Leiston Neighbourhood Plan meets the basic conditions...the Plan meets paragraph 8(1)* requirements”.*

(paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990)*

Cllr Tony Fryatt

Cabinet Member with Responsibility for Planning

Dated: 8th December 2016

