

# **LEISTON NEIGHBOURHOOD PLAN**

Leiston Neighbourhood Plan Examination,  
A Report to Suffolk Coastal District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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November 2016

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## **1. Introduction**

### The Neighbourhood Plan

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

This Report provides the findings of the examination into the Leiston Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

Leiston-cum-Sizewell Town Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Suffolk Coastal District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Leiston Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by Suffolk Coastal District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Leiston Neighbourhood Area to which the Plan relates.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan sets out the plan period, “2015-2029.”

In addition to the above, the opening paragraph of the Neighbourhood Plan, Paragraph 1.1, states that the Neighbourhood Plan forms part of the development plan:

*“...over the period 2015-2029.”*

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Suffolk Coastal District Council that the Leiston Neighbourhood Plan could be examined without the need for a Public Hearing.

Taking into account the background material submitted in relation to the Leiston Neighbourhood Plan and the public consultation that took place as part of the plan-making process, I am satisfied that everyone had a fair chance to put their case and that examination of all relevant matters can be concluded without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>2</sup>

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>2</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

<sup>3</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).

In the light of this, Planning Practice Guidance states that:

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Planning Practice Guidance<sup>5</sup>).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

Suffolk Coastal District Council undertook a screening of the draft Leiston Neighbourhood Plan in early 2015. The Screening Report determined that an SEA was required. This was undertaken as part of a sustainability appraisal and submitted alongside the Neighbourhood Plan. The SEA 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.”*

The statutory consultees, Historic England, Natural England and the Environment Agency, were all consulted and all made representations at submission stage. The Environment Agency confirmed that it had reviewed the sustainability appraisal and did not raise any concerns. Historic England did not raise any concerns, but referred to points made earlier in the process and taken into account by plan-makers. Natural England did not any raise concerns with the sustainability appraisal.

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<sup>4</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

<sup>5</sup> Paragraph 027, ibid

A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Further to screening, a Habitats Regulations Assessment (HRA) was undertaken. This was submitted alongside the Neighbourhood Plan.

The HRA recognised the location of four European sites (partly) within the Neighbourhood Area. These are: Minsmere-Walberswick Heaths and Marshes Special Area of Conservation (SAC); Minsmere-Walberswick Special Protection Area (SPA)/Ramsar; Sandlings SPA; and Outer Thames Estuary SPA. An additional four European sites were identified within 10km of the Neighbourhood Area boundary.

A small number of Policies in the Neighbourhood Plan, largely the land allocation Policies, were identified as having the potential to have an adverse impact on European sites. Taking this into account, the HRA established that:

*"...as a standalone document, Leiston Neighbourhood Plan could be likely to have a significant effect upon nearby European sites."*

However, the HRA went on to conclude that:

*"...Leiston Neighbourhood Plan would only be one part of the planning policy that will guide development within Leiston. When assessed in combination with Suffolk Coastal District Core Strategy and Development Management Policies Development Plan Document and its accompanying Appropriate Assessment, it is concluded that there will be no likely significant effect upon any European site."*

*"...Overall, the conclusion of this Habitats Regulations Assessment is that when considered in-combination with SCDC Core Strategy and Development Management Policies Development Plan Document, the Leiston Neighbourhood Plan would be unlikely to have a significant effect upon the integrity of any European site."*

As with the Strategic Environmental Assessment, all of the statutory bodies were consulted on the HRA. The Environment Agency and Historic England did not disagree with the above conclusion. Natural England commented that:

*"...in principle Natural England has no concerns with the proposed location and scale of development in Leiston..."*

but expressed concerns that the reference to the Core Strategy Appropriate Assessment does not follow through clearly to the Neighbourhood Plan itself. In this regard, Natural England advised that:

*"...a requirement for the inclusion of open space should be specified within each of the relevant housing policies i.e. policies SA1 – SA4."*

I make recommendations later in this Report (under the appropriate Policies) which take the above comments into account.

In respect of other aspects of mitigation, Natural England went on to refer to Suffolk Coastal District Council's emerging Recreational Avoidance and Mitigation Strategy (due to be complete by March 2017) and advised that:

*"...the NP makes clear reference to this strategy and the requirement for the mitigation to be delivered within an appropriate time-frame to ensure housing development in Leiston will not have an adverse effect on the European sites."*

Again, I make recommendations in this respect later in this Report (in the Site Allocations section).

Subject to taking the comments submitted into account, Natural England concluded that:

*"...the NP is unlikely to have a significant effect on European sites."*

Further to all of the above, national guidance establishes that the local planning authority has the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations.

*"The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations."* (Planning Practice Guidance<sup>6</sup>)

Suffolk Coastal District Council has raised no concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

Taking all of the above into account, alongside the recommendations contained within this Report, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>6</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

### **3. Background Documents and the Leiston Neighbourhood Area**

#### **Background Documents**

In undertaking this examination I have considered various information in addition to the Leiston Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Suffolk Coastal District Local Plan Development Plan Core Strategy and Development Management Policies Development Plan Document (July 2013) (referred to in this Report as the Core Strategy)
- Suffolk Coastal Local Plan Saved Policies (July 2013)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal Incorporating Strategic Environmental Assessment
- Habitat Regulations Assessment

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Leiston Neighbourhood Area.

## Leiston Neighbourhood Area

Page 1 of the Neighbourhood Plan includes a plan showing the location and extent of the Leiston Neighbourhood Area boundary.

Further to an application made by Leiston-cum-Sizewell Town Council, Suffolk Coastal District Council approved the designation of Leiston as a Neighbourhood Area on 29 October 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### **Introduction**

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Leiston Neighbourhood Plan Consultation**

A Consultation Statement was submitted to Suffolk Coastal District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>7</sup>.

The Consultation Statement provides evidence to demonstrate that community engagement was at the heart of the plan-making process and was carried out in a comprehensive manner.

Leiston-cum-Sizewell Town Council established the Leiston Neighbourhood Plan Group to lead on the production of the Neighbourhood Plan in 2012. The Group included twenty volunteers from the community, split into five working groups, each of which was joined by a Town Councillor. Groups met regularly and minutes of meetings were made available on a dedicated website and subsequently, the Town Council's website.

Further to launching the Neighbourhood Plan and establishing the groups above, a Youth Forum was held, in February 2013, to engage with younger people in the community. This was attended by 32 people and views were taken into account. In September 2013, a large community event in Victory Park was used to engage with more people and identify new issues. This was attended by over 1,000 people. The same event was also used for engagement in September 2014.

A Call for Sites, whereby landowners were invited to submit land for consideration for inclusion in the Neighbourhood Plan, was carried out in May 2014 and this resulted in five responses.

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<sup>7</sup>Neighbourhood Planning (General) Regulations 2012.

A newsletter, which included a call for comments, was produced and distributed to 2,400 properties during Summer 2015. The draft plan was consulted upon for nine weeks between July and September 2015. A public meeting was held to support the consultation period in August 2015. This was attended by 53 people.

The plan-making process was publicised by articles in the Parish Magazine and notices on Parish billboards. The Consultation Statement provides evidence to demonstrate that engagement was encouraged, matters raised were considered and that the reporting process was transparent.

Taking everything into account, I am satisfied that the consultation process was robust.

## 5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Introductory Section to the Neighbourhood Plan is clear, concise and informative. It provides an interesting and appropriate introduction for the Policies that follow.

For clarity, I recommend:

- **Para 2.9, add “...wind industry, amongst other things. The role...”**
- **Delete Paras 5.6 and 5.7 and replace with “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.”**

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

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.

At draft stage, including references to “*relevant*” Core Strategy policies at the end of each Neighbourhood Plan Policy might have been helpful. However, I find that the inclusion of subjective references after each Policy in the final version of the Neighbourhood Plan detracts from the clarity of the Policies themselves and provides scope for confusion. I note that it is the Examiner’s role to consider whether or not the Neighbourhood Plan is in general conformity with the strategic policies of the development plan.

I recommend:

- **Delete the references to “Relevant District Local Plan Core Strategy policies” after each Policy.**

## Physical Limits Boundary

### **Policy PL1: Leiston Town Physical Limits Boundary**

Page 60 of the Core Strategy states that:

*“To further facilitate and guide the location of development at the larger settlements, physical limits boundaries (or “village envelopes”) will be drawn up.”*  
(Paragraph 4.05)

It goes on to establish, in Strategic Policy SP29 (*The Countryside*), that:

*“The strategy in respect of new development outside the physical limits of those settlements...is that it will be limited to that which of necessity requires to be located there and accords with other relevant policies within the Core Strategy...(and) National Planning Policy Framework.”*

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. These allocations, the subject of later Policies in the Neighbourhood Plan, are considered later in this Report.

The National Planning Policy Framework (the Framework) seeks to:

*“focus significant development in locations which are or can be made sustainable”*  
(Paragraph 17)

and sets out the requirement to *“boost significantly”* housing supply (Paragraph 47).

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.

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 Neighbourhood Plan. It is not the role of the Neighbourhood Plan to repeat, apply or control existing Policies in other adopted planning documents.

Having regard to the above, I recommend:

- **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**

## Housing

### **Policy H1: Housing Strategy**

Leiston is identified as one of five Market Towns in the Core Strategy which, in Strategic Policy SP2 (*Housing Numbers and Distribution*), requires the Market Towns to provide for at least 940 dwellings on allocated sites over the period 2010 to 2027.

The Core Strategy does not provide a breakdown of how the 940 dwellings should be split between the five Market Towns. However, I am satisfied that, in allocating specific housing sites for 390 dwellings, Policy H1 is in general conformity with Strategic Policy SP2. It provides for well in excess of what would be a proportionate split of the 940 dwellings and consequently, makes a significant contribution towards achieving the minimum requirement set out in the Core Strategy.

Taking the above into account, Policy H1 also has regard to the previously referenced national policy requirement to “*boost significantly*” housing supply. It achieves this whilst focusing development within a sustainable location and affording protection to the countryside (through Policy PL1). Consequently, Policy H1 contributes to the achievement of sustainable development.

Whilst legislation clearly requires the Neighbourhood Plan to be in general conformity with the strategic policies of the adopted development plan, which in this case largely comprises the Core Strategy, I note that planning policy in respect of housing land allocations in Suffolk Coastal District is currently emerging.

Suffolk Coastal District Council’s Site Allocations and Area Specific Document (SAD) underwent examination during August and September 2016. This indicates that land for 400 dwellings should be allocated in Leiston. Whilst it is not a requirement for the Neighbourhood Plan to be in general conformity with an emerging planning document, I note that Policy H1 allocates land for 390 dwellings and refers to other Policies in the Neighbourhood Plan, which identify sites where further residential development would be supported.

Planning Practice Guidance states that:

*“...up to date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.”<sup>8</sup>*

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<sup>8</sup> Planning Policy Guidance Reference ID: 41-009-20160211.

In this regard, I am mindful that emerging policy, taking up-to-date evidence into account, indicates a requirement for the allocation of 400 dwellings at Leiston and that the Neighbourhood Plan, by and large provides for this. In addition, the Neighbourhood Plan supports appropriate windfall development and there is no evidence before me to demonstrate, or even suggest, that the Neighbourhood Plan would prevent at least 400 dwellings coming forward in the Neighbourhood Area.

Notwithstanding this, Policy H1 is in general conformity with the strategic policies of the adopted Core Strategy, it has regard to national policy and it contributes to the achievement of sustainable development. It meets the basic conditions. However, 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<sup>9</sup>. The Neighbourhood Plan itself will not provide any dwellings, it simply allocates land for them. I make a recommendation in this regard below.

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 “infill” 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.

The final paragraph of the Policy seeks to prevent any residential development from coming forward until there is confirmation 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:

*“...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.” (18 August 2016)*

Taking this and all of the above into account, I recommend:

- **Policy H1, change opening of Policy to “*The development of around 400 dwellings in Leiston is supported. Land is allocated for housing at the following sites:*”**
- **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 (“In August 2016, the**

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<sup>9</sup> Ref: Planning Practice Guidance 41-041020140306.

***Environment Agency and Anglian Water Services confirmed that there is sufficient...")***

A representation has been received in respect of emergency planning. However, no substantive evidence has been provided to demonstrate that the level of housing development proposed in the Neighbourhood Plan would have a harmful impact on public safety; or that the absence of planning for unforeseen circumstances results in the Neighbourhood Plan failing to meet the basic conditions.

Emergency planning arrangements as they relate to land use planning matters are clarified in a recommendation earlier in this Report.

## **Policy H2: Housing Mix**

Core Strategy Strategic Policy SP3 (*New Homes*) seeks to provide for a wide range of size, type and tenure of housing. A supporting table to Strategic Policy SP3 (Table 3.6 Target proportions of house sizes) provides an indication of the various proportions of each size and tenure of house that should be targeted. This is reflective of the Framework, which states that:

*“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing...identify the size, type, tenure and range of housing that is required in particular locations...”* (Paragraph 50)

Policy H1 provides an indication of the range of housing that should be provided within the Neighbourhood Area, whilst allowing for flexibility, subject to providing appropriate evidence. This approach has regard to national policy and is in general conformity with Core Strategy Strategic Policy SP3.

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 *“in line”* 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.

I recommend:

- **Policy H2, change opening sentence to *“Developments of more than 10 dwellings should provide...”***

### **Policy H3: Residential Density and Design**

Good design is recognised by national policy as comprising

*“a key aspect of sustainable development...indivisible from good planning”*  
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

Core Strategy Development Management Policies DM21 and DM22 are concerned with the *“aesthetics”* and *“function.”* Together, these two Core Strategy Policies seek to ensure high quality design for all types of development.

In general, Policy H3 seeks to provide for good design and meets the basic conditions. However, as worded, the second part of the Policy only requires proposals to demonstrate that they *“can provide”* 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.

Further, the Policy seeks to repeat the requirements of another Policy. This is unnecessary and detracts from the concise nature of Policy H3.

Part of the supporting text reads as though it comprises part of the Policy, which it does not. This is confusing and inappropriate.

I recommend:

- **Policy H3, change second bullet point to: *“New housing development should provide usable private open space...communal gardens”***
- **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...”***

## **Policy H4: Low Carbon Residential Development**

The Framework recognises that:

*“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.” (Paragraph 93)*

In addition, Core Strategy Strategic Policy SP12 (*Climate Change*) seeks to mitigate the effects of new development on climate change.

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 *“current regulations”* comprise or what role the Neighbourhood Plan has in controlling, managing or implementing these. This part of the Policy is imprecise.

I recommend:

- **Policy H4, delete second sentence) “Development proposals must...regulations.”)**

## **Policy H5: Dwellings Appropriate for the Needs of Older People**

As set out above, the Framework seeks to deliver a wide choice of high quality homes. In Paragraph 50, it requires planning for:

*“...the needs of different groups in the community (such as, but not limited to...older people...)”*

Policy H5 is a positive policy that supports development to “*Lifetime Homes*” standards. This can help to provide flexible living accommodation, enabling people to live in their homes through times of changing requirements.

Policy H5 has regard to national policy and meets the basic conditions.

No changes are recommended.

## Residential and Commercial Site Allocations

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. As established earlier, public consultation was robust. I also note that the housing sites were assessed as part of the Sustainability Appraisal.

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. In this regard, I recommend:

- **Create new Para 6.9 *“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.”***

## **Policy SA1: Land at Highbury Cottages, Saxmundham Road**

Policy SA1 states that *“planning permission will be granted.”* This approach runs the risk of pre-determining development proposals without taking all relevant factors into account and has the potential to undermine the planning application process.

Also, as presented, 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.

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.

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, which states:

*“Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”*

In any case, simply demonstrating that development can enhance wildlife is not the same as it actually doing so. Notwithstanding this, I am mindful that, according to Paragraph 109 of the Framework, the planning system should provide net gains in biodiversity where possible and take this into account in making my recommendations below.

The provision of on-site open space as part of each residential land allocation provides important mitigation in respect of the protection of European sites and this is taken into account in the recommendations below.

Taking all of the above into account, I recommend:

- **Policy SA1, change opening sentence to *“Land is allocated for residential development on 7.5...”***
- **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: *“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.”***

## **Policy SA2: Land at Red House Lane**

A number of the comments made in respect of Policy SA1, above, also apply to Policy SA2. These relate to use of the phrase *“planning permission will be granted...adequate provision...appropriate vehicle access.”*

In addition to the above, the final bullet point in Policy SA2 refers to *“any necessary highway improvements.”* By definition, a necessary requirement will need to be implemented. This reference is unnecessary and detracts from the concise nature of Policy SA2, having regard to Planning Practice Guidance.

The final paragraph of the Policy states that *“contributions will be sought.”* However, the Policy is imprecise with regards specifically what contribution will be sought and on what basis. In this regard, Paragraph 204 of the Framework states that:

*“Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.”*

Without any detail, there is nothing to demonstrate that the Policy has regard to national policy in this respect. However, I am also mindful that the Framework states that:

*“Planning policies should protect and enhance public rights of way and access.”*  
(Paragraph 75)

and make a recommendation that takes this into account, below.

I recommend:

- **Policy SA2, change opening sentence to *“Land is allocated for residential development on 2...”***
- **Delete third and last bullet points**
- **Fourth bullet point, replace *“appropriate”* with *“safe”***
- **Delete last paragraph**

- **Add the following new sentences at the end of the Policy: “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.”**

A representation to the Neighbourhood Plan considers that the Neighbourhood Plan does not meet the basic conditions because it does not include a Reserve site for housing development as part of Policy SA2.

Paragraph 185 of the Framework states that:

*“Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”*

I note earlier in this Report that the Neighbourhood Plan meets the basic conditions in respect of providing for housing growth. Whilst the representation considers that a larger allocation as part of Policy SA2 would provide for sustainable development, this may, or may not also be the case for other areas of land not allocated in the Neighbourhood Plan. There is no requirement for the Neighbourhood Plan to allocate or reserve any additional sites in order to meet the basic conditions.

### **Policy SA3: Land to the Rear of St Margaret's Crescent**

A number of the comments made in respect of Policies SA1 and SA2, above, also apply to Policy SA3. These relate to use of the phrase *“planning permission will be granted...adequate provision...appropriate vehicle access...any necessary highway improvements.”*

The Policy refers to the amenity of *“residential properties.”* This reference should be to the amenity of *“future occupiers of residential properties.”*

The seventh bullet point in the Policy refers to the need to gain the *“agreement”* of all affected residents. No evidence is provided to demonstrate that this is a deliverable or viable proposition, having regard to Paragraph 173 of the Framework.

Taking all of the above into account, I recommend:

- **Policy SA3, change opening sentence to *“Land is allocated for residential development on 5...”***
- **Second bullet point, change first line to *“the amenity of future occupiers of residential...”***
- **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: *“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.”***
- **Part of the supporting text reads as though it comprised a Policy, which it does not. Para 6.27, line three, change to *“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.”***

## **Policy SA4: Land at Abbey Road**

A number of the comments made in respect of Policies SA1, SA2 and SA3, above, also apply to Policy SA4. These relate to use of the phrase “*planning permission will be granted...amenity of residential properties...adequate provision...appropriate vehicle access.*” The Policy also introduces the imprecise and undefined term “*suitable*” in respect of the provision of a pedestrian crossing.

Part of the supporting text to Policy SA4 is written as though it comprised part of the Policy, which it does not. Taking this and the above into account, I recommend:

- **Policy SA4, change opening sentence to “*Land is allocated for residential development on 2.6...*”**
- **Second bullet point, change first line to “*the amenity of future occupiers of residential...*”**
- **Delete third bullet point**
- **Fourth bullet point, delete “*suitable*”**
- **Penultimate bullet point, replace “*appropriate*” with “*safe*”**
- **Add the following new sentences at the end of the Policy: “*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.*”**
- **Delete Para 6.39 (which appears as a Policy, but is not)**
- **Para 6.41, change second line to “*...and Policy SA4 provides for a dedicated pedestrian crossing to this footpath...*”**
- **Last line of Para 6.43, change to “*...provided, it would be appropriate for it to address the needs...*”**

A representation to the Neighbourhood Plan states that the site the subject of Policy SA4 should be afforded “*site primacy.*” However, the Neighbourhood Plan simply allocates land for development. It does not seek to introduce phasing or a hierarchy of allocated land and nor is there any need for it to do so in order to meet the basic conditions.

**Policy IN1: Provision of Beach Huts for Local Community Use**

Policy IN1 is a positive Policy that supports the development of beach huts at Sizewell for local community use.

Core Strategy Strategic Policy SP24 (*Leiston*) promotes the development of Leiston's role "for its own residents" and Policy IN1 is in general conformity with this.

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 and I recommend:

- **Policy IN1, change to: *"The development of new beach huts at Sizewell will be supported provided that: they are reserved for use by 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."***

## Policy IN2: New Community Centre, Waterloo Avenue

Chapter 8 of the Framework, *“Promoting healthy communities,”* recognises the important role of planning in facilitating social interaction and creating healthy, inclusive communities.

National policy goes on to state that:

*“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities...”* (Paragraph 70)

Policy IN2 identifies a site for the provision of a new community centre and facilities, along with housing for older people. It also supports such provision elsewhere, if it is not possible to provide the facility at Waterloo Avenue. Policy IN2 has regard to national policy.

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 below.

Policy IN2 requires residential units to be *“restricted to the boundary with Victory Road.”* This wording is unclear and suggests that houses will be built only at this boundary. No indication of how this might occur is provided.

The Policy goes on to require parking provision to *“help relieve”* problems on 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.

Part of the supporting text reads as though it comprises a Policy, which it does not.

Taking all of the above into account, I recommend:

- **Policy IN2, seventh bullet point, delete “and playground”**
- **Eighth bullet point, change to “it must be demonstrated that the dwellings comprise lifetime homes, capable of providing living accommodation for older people;”**
- **Delete ninth and last bullet points**
- **Para 7.10, first line, change to “Access to the site *would* continue...”**

### **Policy IN3: Provision of Community Facilities at the Recreation Ground, Victory Road**

Policy IN3 is a positive planning Policy which supports the provision of new community facilities.

This has regard to Paragraph 70 of the Framework which, as set out above, promotes the provision of community facilities. The Policy meets the basic conditions.

Part of the supporting text reads as though it comprises a Policy, which it does not.

- **Para 7.12, first line, change to “*The Town Council will, where possible and appropriate, seek contributions from development to support the funding of these...*”**

**Policy LG1: Protection and Maintenance of Local Green Spaces**

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.”* (Para 77)

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

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.

Taking the above into account, I find that the designation of Local Green Space in the Neighbourhood Plan meets the basic conditions.

However, the wording of Policy LG1 fails to have regard to the requirements of the Framework in respect of Paragraph 76, which clearly establishes the land use planning role of Local Green Space. The Framework does not define *“very special circumstances”* as these are not limited (as proposed by Policy LG1), but will depend upon the specific circumstances related to any proposal.

I recommend:

- **Policy LG1, delete from “Proposals for built development...” to the end of the Policy and replace with *“Development within a Local Green Space is ruled out other than in very special circumstances.”***
- **In the light of the above, I also recommend: change the title of Policy LG1 to *“Local Green Space”***

## **Policy LG2: Greens and Verges**

Core Strategy Strategic Policy SP15 (*Landscape and Townscape*) seeks to protect local character.

Generally, Policy LG2's aim of protecting greens and verges is in general conformity with the Core Strategy. However, no indication is provided of when a development would "*directly*" 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, as set out, Policy LG2 is imprecise and it does not provide a decision maker with a clear indication of 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.

Taking the above into account, I recommend:

- **Policy LG2, change to: "*Development must respect local character and have regard to the important role played by the Neighbourhood Area's greens and verges.*"**
- **Para 8.14, delete the last sentence ("It is therefore...development.")**

## Heritage

### **Policy HE1: Protection of Heritage Assets**

National policy, in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment,*” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance.

Policy HE1 requires all development to enhance the setting of heritage assets. Such an onerous requirement goes well beyond national policy, which, as above, requires conservation in a manner appropriate to the significance of heritage assets. No justification is provided for this requirement. The Policy also requires the setting of heritage assets to be “*sustained*” but does not provide any indication of what this might mean in practice.

The Policy goes on to seek to prevent “*incongruous tall buildings in prominent locations in views that contribute to the significance*” 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) “*attractive frontages*” with areas of open landscape relates to the protection of heritage assets.

Policy HE1 is imprecise. It fails to have regard to national policy without justification. It does not meet the basic conditions.

I recommend:

- **Delete Policy HE1**
- **Delete Paras 8.16 to 8.18**

In making the above recommendation, I note that national policy affords appropriate protection to heritage assets.

## Transport and Movement

### **Policy TM1: Dedicated Access for Cyclists and Pedestrians**

Chapter 4 of the Framework, “*Promoting sustainable transport,*” recognises the importance of transport policies in contributing to sustainability and health objectives.

National policy goes on to:

*“...give priority to pedestrian and cycle movements...”* (Paragraph 35)

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.

No changes to Policy TM1 are recommended.

Part of the supporting text reads as though it was a Policy, which it is not. I recommend:

- **Para 9.4, last bullet point, last sentence, change to “*Policy TM1 supports the closure of this stretch of road as a through route to traffic.*”**

## **Policy TM2: Highway Capacity at Key Road Junctions**

Paragraph 32 of the Framework states that:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

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.

I recommend:

- **Policy TM2, change to *“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.”***
- **Para 9.8, add *“...required and the Town Council recommends that this be discussed with the...”***

### **Policy TM3: Residential Parking Standards**

With regards to Leiston, Paragraph 4.63 of the Core Strategy states that:

*“Because of the need for emergency evacuation routes there should be a variation in off-street parking standards.”*

The Neighbourhood Plan takes this into account in prescribing car parking standards, most notably in Paragraph 9.10, which refers to the emergency plans relating to the Sizewell nuclear site, and is in general conformity with the Core Strategy.

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 *“immediate proximity”* is open to interpretation and imprecise, and it could prevent development that is sustainable from going ahead.

Part of the supporting text reads as though it comprises a Policy, which it does 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.

I recommend:

- **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 “Policy TM3 establishes that new residential...”**
- **Para 9.13, change to “The Town Council will seek to resist any reduction of any existing parking provision, unless it can be appropriately re-provided.”**

## **Policy TM4: Parking Garages**

By use of the phrase “*will not be permitted,*” Policy TM4 runs the risk of pre-determining 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.

Part of the supporting text reads as though it comprises a Policy, which it does not.

I recommend:

- **Policy TM4, change opening sentence to “*Any redevelopment of communal parking garages must provide alternative and equivalent parking space.*”**
- **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.”**

## **Policy TM5: Improvement of Access to Leiston Household Waste Recycling Facility**

Core Strategy Strategic Policy CP18 (*Infrastructure*) seeks to identify needs and deficiencies in services and to find new ways of meeting such needs.

Policy TM5 is a positive land use planning Policy that supports the improvement of access to Leiston's household waste recycling facility. It is in general conformity with the Core Strategy.

No changes are recommended.

## Flooding

### **Policy FL1: Addressing Localised Flooding Matters**

In Chapter 10, “*Meeting the challenge of climate change, flooding and coastal change,*” the Framework is explicit in stating that:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”* (Paragraph 100).

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.

The second part of the Policy seeks to impose requirements on other bodies. This is not the role or function of the Neighbourhood Plan.

Paragraph 10.12 states that the waste water treatment works in Leiston are close to capacity. This is not the case.

I recommend:

- **Policy FL1, delete second sentence**
- **Delete Para 10.12**

## Leiston Town Centre

### **Policy TC1: Leiston Town Centre**

National policy identifies town centres as being at the heart of communities and it requires planning policies:

*“...to support their viability and vitality;”* (Paragraph 23)

In addition, Core Strategy Strategic Policy SP24 (*Leiston*) seeks to:

*“maintain the vibrancy of the town”*

and Strategic Policy SP9 (*Retail Centres*) identifies Leiston as a town centre where there will be an emphasis on maintaining and enhancing the viability and vitality of the retail offer.

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 *“unless there are overriding material considerations, or in accordance with other policies of this Neighbourhood Plan”* is unnecessary and results in a Policy that is less concise than it could be.

I recommend:

- **Policy TC1, delete “, unless there are new...Plan”**

## **Policy TC2: Redevelopment of Land at High Street, Leiston Town Centre**

As above, national and local policy protects and promotes the viability and vibrancy of town centres. 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 “*planning permission will be granted.*” This approach runs the risk of pre-determining development proposals without taking all relevant factors into account. It undermines the planning application process.

Also, the last criterion of the Policy seeks to impose requirements from another document, not within the control of the Neighbourhood Plan. I recommend a more appropriate and precise approach below, which achieves the Policy aim of providing at least as many parking spaces as currently exist.

Part of the supporting text reads as though it is a Policy, which it is not.

I recommend:

- 1. Policy TC2, change opening sentence to “*The mixed use development of land at High Street, Leiston, as shown on the Proposals Map, will be supported, subject to the following criteria:*”**
- 2. Change last bullet point to “*Public parking must not amount to less than that currently provided.*”**
- 3. Para 11.14, change to “The development *can* provide...such a development *would* have...It *can* also give...”**

### **Policy TC3: Town Centre Car Parks**

The Framework identifies the need to:

*“...promote competitive town centre environments...”* (Paragraph 23)

Policy TC3 seeks to protect car parking in the town centre and has regard to national policy.

There is no need to cross reference another Policy in the Neighbourhood Plan and in any case, I recommend changes to Policy TC2 earlier in this Report.

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.

In addition to the above, the supporting text to Policy TC3 is confusing. It is not the role of the Neighbourhood Plan to “retain” or “amend” District-wide policies. I recommend:

- 4. Policy TC3, delete everything after the first sentence**
- 5. Delete Para 11.21 and replace with *“Car parking plays an important role in maintaining the vitality of the Town Centre. Consequently, the Neighbourhood Plan supports their retention.”***

## Policy TC4: Town Centre Environmental Improvements

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.

Again, I note that it is not the role of the Neighbourhood Plan to “retain” District-wide 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.

- **Delete Policy TC4**
- **Delete Para 11.23**
- **Provide new *“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 the town centre; along with a complementary high quality approach to the design and materials of new shop fronts and advertisements.”* NB, this is not a Policy and should not be set out within a blue box.**

## Employment

### **Policy EMP1: General Employment Areas**

Policy EMP1 states that “*planning permission will normally be granted*” for employment use within employment areas. The Policy has regard to national policy, which supports economic growth and meets the basic conditions.

There is no need to cross-reference other Policies and I recommend:

- **Policy EMP1, delete “Unless...Plan.” Start the Policy “*On the Industrial...*”**
- **Delete Para 12.8, which is beyond the control of the Neighbourhood Plan**

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.

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 such.

## Self-Catering Tourist Accommodation

### **Policy ACC1: Land off King George's Avenue**

Policy ACC1 states that “*planning permission will be granted.*” This approach runs the risk of pre-determining development proposals without taking all relevant factors into account. It undermines the planning application process.

Subject to the recommendation below, Policy ACC1 provides for tourism facilities and is in general conformity with Core Strategy Strategic Policy 8 (*Tourism*), which recognises tourism as an important element of the Suffolk Coastal economy.

I recommend:

- **Policy ACC1, change opening to “*The provision of touring...Proposals Map, will be supported.*”**

## **7. The Neighbourhood Plan: Other Matters**

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents pages and paragraph/Policy numbering to reflect the recommendations above**

## **8. Summary**

I have recommended a number of modifications further to consideration of the Leiston Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Leiston Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Suffolk Coastal District Council that, subject to the modifications proposed, the **Leiston Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Leiston Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Leiston Neighbourhood Area approved by Suffolk Coastal District Council on 29 October 2013.

**Nigel McGurk, November 2016**  
**Erimax – Land, Planning and Communities**

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