

Lowestoft Neighbourhood Development Plan

A report to East Suffolk Council of the Independent
Examination of the Lowestoft Neighbourhood Development
Plan

Copy to Lowestoft Town Council

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Summary of Main Findings

This is the report of the Independent Examination of the Lowestoft Neighbourhood Development Plan. The Neighbourhood Plan relates to the Town of Lowestoft administrative area that was designated as a Neighbourhood Area on 10 December 2018. Lowestoft Town Council is the qualifying body that has submitted the plan to East Suffolk Council. The plan period runs until 2036. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 30 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The administrative area of Lowestoft Town Council (the Town Council) was designated as a Neighbourhood Area (the Neighbourhood Area) on 10 December 2018. The Lowestoft Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by the Town Council, a qualifying body able to prepare a neighbourhood plan, to East Suffolk Council in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by the Lowestoft Neighbourhood Plan Working Group, a sub-committee of the Town Council.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Town Council and submitted to East Suffolk Council on 26 March 2025. East Suffolk Council arranged a period of publication between 23 April 2025 and 4 June 2025. East Suffolk Council subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 18 June 2025

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to East Suffolk Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. East Suffolk Council will decide what action to take in response to the recommendations in this report.

6. East Suffolk Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless East Suffolk Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by East Suffolk Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and East Suffolk Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area.
14. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” 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 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, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated on 10 December 2018. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. Paragraph 1.4 of the Neighbourhood Plan confirms the plan covers the period from the date it is made to the end of 2036. Paragraph 1.9 states this is to conform to the timescale of the Waveney Local Plan.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Lowestoft Neighbourhood Development Plan Regulation 16 Consultation Draft March 2025
- Lowestoft Neighbourhood Development Plan Support Document 2 - Statement of Basic Conditions Statement March 2025 [In this report referred to as the Basic Conditions Statement]
- Lowestoft Neighbourhood Development Plan Support Document 1 – Statement of Consultation March 2025 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment Screening Opinion Draft Lowestoft Neighbourhood Plan (Rescreening of amended plan) April 2024
- Habitats Regulations Assessment of the Draft Lowestoft Neighbourhood Plan (Rescreening of amended plan) April 2024
- Lowestoft Neighbourhood Plan Supporting Document 3 – Protecting Open Landscapes, Sports Fields, and Local Green Spaces
- Information available on the East Suffolk Council and Lowestoft Town Council websites
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and East Suffolk Council and the Town Council including: the initial letter of the Independent Examiner dated 18 June 2025; and the email dated 14 July 2025 confirming the Town Council does not wish to comment on the Regulation 16 representations of other parties
- National Planning Policy Framework (2024) [In this report referred to as the Framework]
- The East Suffolk (Waveney) Local Plan Adopted 20 March 2019 with Erratum relating to Policy WLP8.3 February 2020
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015

- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods. A summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in an accompanying document. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Part 4 of the Neighbourhood Plan sets out a list of events and activities undertaken between 2018 and 2022 designed to achieve early engagement with the local community and other stakeholders. A survey in August 2018 resulted in 343 responses. Other surveys included an open spaces survey in January 2019. Publicity was also achieved during the plan preparation process through a dedicated page on the Town Council website; a column in the Lowestoft Journal; use of social media; as well as regular email communications. These consultations informed the development of a vision, aims, and other content of the emerging Neighbourhood Plan.
28. In accordance with Regulation 14 the Town Council consulted on the pre-submission version of the draft Neighbourhood Plan between 24 January 2023 and 7 March 2023. A copy of the Pre-Consultation Draft Plan and supporting documentation was published, and could be downloaded from, the Town Council website. Hard copies were available on request. Direct emails were sent to 123 businesses, community groups, interest groups, and statutory consultees. The consultation was also publicised through two drop-in sessions at Hamilton House; radio interviews; a display in Lowestoft library, and a presentation at the Meeting of the Annual Assembly for Lowestoft. The responses to the consultation are presented in Appendix 8 of the Consultation Statement which also sets out comments of the Town Council in response and any action taken, including modification and correction of the emerging Neighbourhood Plan.
29. A second Regulation 14 consultation was undertaken from 30 October 2023 to 11

December 2023. A document was prepared that set out the changes from the previous version of the plan. Publicity was achieved through a drop-in session at the Kirkley centre local press releases; social media postings; and through direct emails to statutory consultees and other stakeholders. The responses to this second Regulation 14 consultation are presented in Appendix 10 of the Consultation Statement which also sets out comments of the Town Council in response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Following the second Regulation 14 consultation the Town Council held informal consultation meetings with East Suffolk Council. Suggestions made in the Regulation 14 consultations and in informal discussions with East Suffolk Council have, where considered appropriate, been reflected in changes to the Plan that was approved by the Town Council on 25 March 2025 and subsequently submitted by the Town Council to East Suffolk Council on 26 March 2025.

30. Following submission of a plan proposal by a qualifying body, the local planning authority will check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then sends the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication. East Suffolk Council arranged a period of publication between 23 April 2025 and 4 June 2025. The representations that were duly made have been published on the East Suffolk Council website.
31. East Suffolk Council has commented on Policies LOW1; LOW2; LOW3; LOW4; LOW5; LOW6; LOW7; LOW9; LOW10; LOW12; LOW13; LOW14; LOW15; LOW16; LOW17; LOW18; LOW19; and LOW20. East Suffolk Council has also made comments on general text and made suggestions for additional text. I refer to some suggested minor modifications and corrections to the Neighbourhood Plan in the Annex to my report.
32. Suffolk County Council suggest changes to the wording of Policy LOW10; comment on the referencing of the Habitats Regulations Assessment; and suggest additions to the Neighbourhood Plan relating to Listed Buildings and archaeology, and to minerals and waste.
33. Suffolk Wildlife Trust comment on Policies LOW8; LOW9; LOW10 and suggest comprehensive identification and references to County Wildlife Sites additional to the references in Policies LOW16 and LOW17.
34. Norfolk and Waveney Integrated Care System comment on the implications on

capacity at GP practices of Local Plan housing site allocations and recognise the inclusion of Policy LOW11. The Integrated Care System welcomes support in ensuring suitable and sustainable provision of healthcare services through use of community infrastructure levy developer contributions as and when improvements to healthcare capacity are required.

35. Anglian Water Services has commented on Policy LOW17. Historic England confirm no comments. Natural England has provided general advice but confirms no specific comments.
36. The Environment Agency express disappointment that the Neighbourhood Plan does not include a chapter in previous versions of the plan on flooding and so has no policies on flood risk. The Environment Agency state Lowestoft is at tidal flood risk from the North Sea and at fluvial risk from Kirkley stream and states “please ensure that the plan assesses all sources of flood risk.” The Environment Agency also provided general advice relating to flood risk, and water resources and source protection zones. ‘UseYourVoice Lowestoft’ object to the failure of the Neighbourhood Plan to address tidal and river flooding. Six individuals state the Neighbourhood Plan should include a chapter and a policy relating to flooding and coastal erosion. The representation of ‘UseYourVoice Lowestoft’ and three of the representations of individuals refer specifically to the cancellation of the second stage of the Lowestoft Barrier Project. Several of these representations refer to an error in paragraph 6.6 of the Neighbourhood Plan which states the Neighbourhood Plan includes a flooding chapter.
37. A representation by Pegasus Group on behalf of Statuslist Ltd refers to land interests held at land north of Waveney Drive and reaffirms the commitment to and deliverability of the former Jeld Wen factory site “to create a new vibrant and inclusive community within a high-quality environment.” The representation refers to an outline planning application reference DC/24/2381/OUT relating to the Jeld Wen factory site. The representation includes general support for the vision and objectives of the Neighbourhood Plan and comments on the “significantly out of date” supplementary planning document relating to the Kirkley Waterfront. The representation comments on Policies LOW2; LOW8 and LOW19.
38. An individual has commented on ‘no cycling’ signs along the cliff top route from Arbor Lane to the Jolly Sailor’s public house. Another individual has commented on the boundary of the Neighbourhood Area. These are not matters for my consideration.
39. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report.

Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Whilst several representations express objection or disappointment that the Neighbourhood Plan does not address flood risk there is no requirement that it should. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

40. I provided the Town Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Town Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 14 July 2025 the Town Council confirmed to me it did not wish to comment on the representations.
41. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
42. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Working Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

43. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

44. The Basic Conditions Statement states “The LNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Town Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

45. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of

plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).

46. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Town Council, as the Qualifying Body, to submit to East Suffolk Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
47. The Strategic Environmental Assessment Screening Opinion, Draft Lowestoft Neighbourhood Plan (Rescreening of amended plan) April 2024 concludes “It is considered by East Suffolk Council, subject to consultation with statutory consultees, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the amended draft Lowestoft Neighbourhood Plan to ensure compliance with EU obligations”. The statutory consultees Historic England, Natural England and the Environment Agency concur with the conclusion reached. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
48. An HRA Screening Report was commissioned by ESC which found that the LNDP was not likely to have significant impacts on European protected species or sites. The Habitats Regulations Assessment of the Draft Lowestoft Neighbourhood Plan (Rescreening of amended plan) April 2024 concludes “The Lowestoft Neighbourhood Plan has been prepared to be in general conformity with the relevant policies of the Local Plan and includes adequate reference to the requirements of the Suffolk Coast RAMS and additional green infrastructure requirements. It is concluded that the Lowestoft Neighbourhood Plan will not lead to likely significant effects on protected Habitat sites alone or in combination.” The Statutory Consultee Natural England confirm agreement that the plan would be unlikely to result in any significant effect to European sites, either alone or in combination, and therefore an appropriate assessment under the Habitat regulations is not required. I am also satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
49. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

50. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
51. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. East Suffolk Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

52. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
53. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
54. The most recent National Planning Policy Framework published on 12 December 2024, sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 239 of this latest version states “For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025.” The transitional arrangements

will not apply in the case of this Independent Examination. The Planning Practice Guidance was most recently updated on 14 February 2024. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance, as well as Written Ministerial Statements.

55. Table 2.1 of the Basic Conditions Statement indicates how the Neighbourhood Plan objectives relate to elements of the Framework. Table 2.2 of the Basic Conditions Statement demonstrates how the Neighbourhood Plan policies have regard for relevant parts of the Framework. I am satisfied the Neighbourhood Plan has regard to relevant identified components of the Framework.
56. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies. The approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance.
57. The Neighbourhood Plan includes in paragraph 2.1 a positive vision for Lowestoft that has economic, social, and environmental dimensions. Paragraph 2.2 of the Neighbourhood Plan identifies nine aims relating to: enhancement of the town centre; creation of a mixed use waterfront; promotion of investment and business confidence; achievement of a sustainable economy and promotion of enterprise and innovation; creation of sustainable communities; creation of a high quality and sustainable environment; delivery of heritage-led economic development; achievement of balanced and sustainable transport; and protection and enhancement of green spaces, green infrastructure and parks. The vision and aims provide a framework for the policies that have been developed.
58. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."

59. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”
60. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
61. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Tables 3.1 to 3.3 of the Basic Conditions Statement demonstrate ways in which identified aims and policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
62. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:
- Establish uses to be supported and principles for development of the East Point Pavilion site and the Kirkley Waterfront site;
 - Establish principles for development within a defined Town Centre and for the historic High Street;
 - Establish principles for development within the Kirkley District Shopping Centre;
 - Establish uses to be supported through regeneration of the Lowestoft Town Hall and development on land to the west;

- Establish conditional support for residential development in identified locations;
- Establish principles for the residential development of the former Lowestoft hospital site;
- Establish residential mix and standards for residential development;
- Establish design principles for development;
- Establish green infrastructure, urban green spaces, and biodiversity principles for development;
- Establish environmental impact requirements for development on the identified Port site;
- Establish principles for development within the North Lowestoft Conservation Area, and within the South Lowestoft and Kirkley Conservation Area;
- Establish that development should take opportunities to preserve, enhance and re-use local heritage assets;
- Establish principles for development within an identified Green Landscape area;
- Designate 17 Local Green Spaces;
- Establish principles for development within and adjacent to identified Recreational and Sports Spaces, and protect children's play areas;
- Establish principles that ensure development results in balanced transport provision; and
- Establish conditional support for local energy schemes.

63. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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)

64. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 17 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 30 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”

65. In this independent examination, I am required to consider whether 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). East Suffolk Council has confirmed the Development Plan applying in the Lowestoft Neighbourhood Area is the East Suffolk (Waveney) Local Plan.

66. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” East Suffolk Council has confirmed for the purposes of neighbourhood planning the strategic policies comprise all the policies in the Local Plan. East Suffolk Council has also confirmed there is currently no emerging Local Plan.

67. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the whole development plan.

68. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

69. Consideration as to whether 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) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 4.1 of the Basic Conditions Statement that demonstrates how

the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

70. The Neighbourhood Plan includes 20 policies as follows:

- Policy LOW1: East Point Pavilion
- Policy LOW2: Kirkley Waterfront Site
- Policy LOW3: Lowestoft Town Centre and Historic High Street
- Policy LOW4: Kirkley District Shopping Centre
- Policy LOW5: Historic Town Hall Regeneration
- Policy LOW6: Residential Development
- Policy LOW7: Former Lowestoft Hospital Site
- Policy LOW8: Residential Mix and Standards
- Policy LOW9: Design and Character
- Policy LOW10: Green Infrastructure, Urban Green Spaces and Biodiversity
- Policy LOW11: Infrastructure
- Policy LOW12: Port Development
- Policy LOW13: North Lowestoft Conservation Area
- Policy LOW14: South Lowestoft and Kirkley Conservation Area
- Policy LOW15: Local Heritage
- Policy LOW16: Strategic Green Landscape
- Policy LOW17: Local Green Spaces
- Policy LOW18: Recreational and Sports Spaces
- Policy LOW19: Balanced Transport Provision
- Policy LOW20: Local Energy Schemes

71. Paragraph 30 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 17 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

72. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”
73. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
74. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
75. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”
76. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

77. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
78. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy LOW1: East Point Pavilion

79. This policy seeks to establish conditional support for appropriate redevelopment of the East Point Pavilion site and seeks to establish development principles.
80. The representation of East Suffolk Council requests the policy is less restrictive regarding redevelopment options, and should acknowledge the site lies within a Conservation Area. The limitation to stated future uses has not been sufficiently justified. The policy does not provide clarity that the site is located within a Conservation Area. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
81. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
82. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1: In Policy LOW1

- **replace “. This includes” with “for example this could include”**

- after “Area” insert “in which the site is located”

Policy LOW2: Kirkley Waterfront Site

83. This policy seeks to establish support for development of the Kirkley Waterfront site identified on Figure 11 for a high-quality scheme including residential and employment uses in accord with the SPD adopted May 2013. The policy also seeks to establish principles that the development should implement.
84. The representation of East Suffolk Council states the policy should clarify it relates to only that part of the Kirkley Waterfront site that is in the Neighbourhood Area, and that the principles for development should allow for flexibility as to what is feasible. East Suffolk Council also state the policy should support employment uses.
85. A representation by Pegasus Group on behalf of Statuslist Ltd states part 2 of the policy should be more flexible to assist viability and timely delivery. The representation states public access to the waterfront edge within the former Jeld Wen factory site is not practicable, but attractive vistas of the waterfront are possible, as are active frontages overlooking public space.
86. As the Kirkley Waterfront site extends beyond the Neighbourhood Area it is appropriate to clarify the Neighbourhood Plan only relates to the part of the site within the Neighbourhood Area. The policy is seeking public benefits from development. I have recommended a modification as suggested in representations so that the policy does not undermine deliverability as required by paragraph 35 of the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The policy provides for employment uses. It is not necessary to expand on this to meet the Basic Conditions.
87. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
88. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2: In Policy LOW2

- in part 1 after “Development of” insert “the part of” and after “site” insert “that is located within the Neighbourhood Area”
- continue parts 2a and 2b with “where feasible”
- in part 2c after “edge” insert “where feasible”
- in part 2e after “buildings” insert “than anticipated in the SPD”

Policy LOW3: Lowestoft Town Centre and Historic High Street

89. This policy seeks to establish a framework of development requirements for schemes proposed within the Town Centre identified in Figure 12 of the Neighbourhood Plan. The policy also seeks to establish requirements for schemes within the defined Primary Shopping Area.
90. The representation of East Suffolk Council states the definition of the Town Centre is more extensive than that defined in the Local Plan; criterion 2 is too inflexible; the amenity of residential uses supported in criterion 3 should be protected; criterion 4 should consider the visual and amenity impacts of high-rise buildings in predominantly low-rise areas; and that the approach to ground floor conversions requires clarification.
91. Paragraph 90 of the Framework states planning policies should support the role that town centres play at the heart of communities, by taking a proactive approach to their growth, management, and adaptation.
92. The defined Town Centre in the text before part 1 of the policy, and the identified Primary Shopping Area referred to below part 6 of the policy, do not correspond with the Town Centre boundary and Primary Shopping Area defined in the Local Plan. It is confusing for parts of the Development Plan to include different spatial definitions of the “Town Centre” and of the “Primary Shopping Area” and variations have not been sufficiently justified. In these respects, the Neighbourhood Plan is not in general conformity with the strategic policies of the Development Plan. Part 2 of the policy does not have sufficient regard for national policy relating to the historic environment, and includes the imprecise terms “normally” and “unacceptable”; part 3 of the policy does not have sufficient regard for paragraph 198 of the Framework, and introduces uncertainty regarding the spatial area of application of the policy which is defined before part 1 of the policy; and part 4 of the policy does not have sufficient regard for the part of the Framework that relates to achieving well-designed places. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

93. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy LOW3

- **replace the text before part 1 with “Within the Lowestoft Town Centre and Historic High Street areas (defined as the areas to which Local Plan Policies WLP8.18 New Town Centre Use Development and WLP2.9 Historic High Street and Scores Area apply, identified with a red outline on Figure 12):”**
- **replace part 2 with “Redevelopment of buildings will be supported where that is in accord with national policy relating to the conservation and enhancement of the historic environment.”**
- **in part 3 delete “in and immediately adjacent to the town centre”**
- **continue part 3 with “where it is demonstrated a suitable living environment can be achieved.”**
- **in part 4 after “supported” replace the comma with “where the relationship with surrounding buildings is satisfactory, and”**

On Figure 12 modify the blue outlined Primary Shopping Area to correspond with the Primary Shopping Area to which Local Plan Policy WLP8.18 Primary Shopping Areas applies.

Policy LOW4: Kirkley District Shopping Centre

95. This policy seeks to establish requirements for development proposals within the identified Kirkley District Shopping Centre.
96. Paragraph 90a) of the Framework states planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including residential) and reflects their distinctive characters.

97. The representation of East Suffolk Council expresses concerns regarding conflicts between residents and nighttime economy use.
98. Part 2 of the policy does not have sufficient regard for national policy relating to the historic environment and includes the imprecise terms “normally” and “unacceptable”. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
99. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
100. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 4:
In Policy LOW4**

- **replace part 2 with “Redevelopment of buildings will be supported where that is in accord with national policy relating to the conservation and enhancement of the historic environment.”**
- **continue part 3 with “where it is demonstrated a suitable living environment can be achieved.”**

Policy LOW5: Historic Town Hall Regeneration

101. This policy seeks to establish conditional support for change of use and conversion of the Town Hall for stated uses.
102. The representation of East Suffolk Council supports reference to the Conservation Area location but considers the policy should be updated to reflect the current and future use of the Town Hall. East Suffolk Council states the term enterprise space and knowledge-based business should be clarified, possibly in supporting text. East Suffolk Council also states it should be made clear land west of the Town Hall referred to in part 3 of the policy is owned by that Council, and although preference would be given to parking, the policy should not restrict development or other uses.

103. The term “applied generally across land adjacent to the area outlined in figure 14” and the text of the related part 3 of the policy are imprecise. The term “creative and knowledge-based businesses and activities within Use Class E” is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. Given the opportunities for ongoing regeneration of the Town Hall buildings and land to the west throughout the plan period, I have retained some flexibility for support of proposals that could include a range of land uses compatible in the area, and that could include some redefinition of plot boundaries and local highways. It is not necessary to indicate current land ownership in a land use policy.
104. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

Replace Policy LOW5 with “Development proposals for use of the Town Hall site, outlined in red on Figure 14, for community, civic, office-based employment, and related uses; or other uses compatible with adjacent residential properties, will be supported.

Development proposals of land between the Town Hall buildings and the A47 highway to the west that incorporate car parking and servicing uses, or other uses compatible with adjacent residential properties, will be supported.”

Retitle the policy as ‘Policy LOW5 Historic Town Hall site’ and retitle the policy in the contents pages of the Neighbourhood Plan.

Policy LOW6: Residential Development

106. This policy seeks to establish conditional support for new residential development in identified locations. The policy also seeks to establish that for any residential development there should be no conflict with policies restricting houses in multiple occupation or flats.

107. The representation of East Suffolk Council states “in criteria a) and b) residential development is supported in town centre locations and above shops and commercial uses. The policy should ensure that these residential uses are not approved where they would experience amenity issues from unneighbourly uses.”
108. Paragraph 90 of the Framework states planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.” Paragraph 73 of the Framework states small and medium sized sites can make an important contribution to meeting the housing requirement of an area and refers to the benefits of using suitable sites within existing settlements for homes.
109. Part 1d) of the policy does not have sufficient regard for national policy relating to the historic environment. The term “where there is mutual compatibility between uses” in part 1b) is imprecise. It is confusing and unnecessary to refer twice in the policy to restrictions on houses in multiple occupation or flats. It is confusing for parts of the Development Plan to include different spatial definitions of the Town Centre. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
110. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

Replace Policy LOW 6 with “In addition to the sites and locations where residential development will be supported identified in Neighbourhood Plan Policies LOW2; LOW3; LOW4; LOW6; and LOW7, and in addition to sites allocated in the Local Plan, new residential development will be supported throughout the Neighbourhood Area where it is proposed:

- **through conversion and adaptation of upper floors above shops and commercial units (where it is demonstrated a suitable living environment can be achieved);**
- **through redevelopment of existing residential buildings; and**
- **on infill sites in residential areas.**

To be supported proposals must not conflict with Local Plan Policy WLP8.4 restricting houses in multiple occupation or flats.

Policy LOW7: Former Lowestoft Hospital Site

112. This policy seeks to establish development principles for the development of the identified former Lowestoft hospital site.
113. The representation of East Suffolk Council welcomes the aim to safeguard this heritage asset and states any development will require significant engagement with the owner and/or developer.
114. Part 1a of the policy is unclear and has not been adequately justified as a variation from Local Plan Policy WLP2.8. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
115. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy LOW7 replace “, 1927 and the earliest 20th century” with “and 1927 and other early 20th century frontages on Alexandra Road and Tennyson Road”

Policy LOW8: Residential Mix and Standards

117. This policy seeks to establish requirements that residential development should meet.
118. Suffolk Wildlife Trust support the reference to biodiversity. The representation of Pegasus Group on behalf of Statuslist Ltd states regarding part 1 of the policy, that flexibility will inevitably be required to ensure a viable scheme can come forward to deliver these significant benefits. This representation also supports part 3 of the

policy; supports part 4 of the policy where feasible; and seeks to identify relevant attributes of a planning application relating to the former Jeld Wen factory site.

119. Paragraph 63 of the Framework states, within the context of paragraph 62, planning policies should reflect an assessment of the size, type and tenure of housing needed for different groups in the community. Paragraph 64 of the Framework states “where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
120. The requirements of part 1 of the policy have not been sufficiently justified. It is confusing and unnecessary for part 3 of the policy to require national space standards are met. The Written Ministerial Statement of 25 March 2015 states neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout, or performance of new dwellings. The term “particular support” in part 5 of the policy does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
121. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy LOW 8

- **in part 1 replace “should add” with “that adds”**
- **continue part 1 with “will be supported”**
- **in part 4 replace the comma after “population” with “and”**
- **in part 4 delete “, and should meet or exceed national space standards”**

- in part 5 replace “and particular” with a full stop

Policy LOW9: Design and Character

123. This policy seeks to establish design and character requirements for development.
124. Suffolk Wildlife Trust support part 8 of the policy relating to biodiversity. The representation of East Suffolk Council states that Council will take any opportunity to ensure parking areas are well integrated into their surroundings, enhance the natural environment and encourage natural drainage opportunities while enhancing biodiversity. East Suffolk Council also state criterion 6 should mention the East Suffolk Cycling and Walking Strategy. The comments of East Suffolk Council do not necessitate any modifications to meet the Basic Conditions.
125. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021.
126. Paragraph 132 of the Framework states “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Policy LOW9 has regard for paragraph 135 of the Framework which sets out design principles of development that planning policies should ensure. The policy seeks sustainable locally distinctive development, whilst recognising that creative and innovative approaches may be appropriate where they positively respond to local character and context as referred to in paragraph 135 of the Framework. I am satisfied that through use of the term “proportionate to the scale and nature of the scheme” the policy avoids being overly prescriptive. The design principles included within Policy LOW9 are consistent with the approach and principles recommended in national policy.
127. Part 7 of the policy is ambiguous. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
128. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy LOW9 in part 7 replace "including" with "these may include"

Policy LOW10: Green Infrastructure, Urban Green Spaces and Biodiversity

130. This policy seeks to establish green infrastructure, urban green space, and biodiversity requirements on development schemes.
131. Suffolk Wildlife Trust supports the policy aims to protect biodiversity. The representation of East Suffolk Council states the final sentence of part 1 of the policy should be deleted; that part 2 should explain the term masterplan; and that the clarity of part 4 should be improved. I have adopted these suggestions and the suggestion of Suffolk County Council regarding part 1 of the policy in my recommended modification so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. I am unable to recommend modification in respect of the suggested additions to part 3 of the policy made by East Suffolk Council as they are not necessary to meet the Basic Conditions however my recommended modification of part 1 of the policy provides a context for the measures referred to.
132. Paragraph 193d) of the Framework includes "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".
133. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
134. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy LOW10

- **replace part 1 with “Development should provide a measurable increase in biodiversity using the latest DEFRA biodiversity metric available at the time of determination of proposals. Any identified adverse impacts that cannot be avoided or further minimised should be mitigated, including with positive building design and landscape features to enhance developments for wildlife.”**
- **in part 2 after “site,” insert “informed by East Suffolk Council’s Statement of Community Involvement Appendix 7”,**
- **replace part 4 with “Outside of the curtilage of existing homes, ponds and the connections between them, should be protected from development.”**

Policy LOW11: Infrastructure

135. This policy seeks to establish that development should take the opportunity to deliver infrastructure listed in the Lowestoft Infrastructure Plan where feasible.
136. The representation of Norfolk and Waveney Integrated Care System comment on the implications on capacity at GP practices of Local Plan housing site allocations and recognise the inclusion of Policy LOW11.
137. I am satisfied Policy LOW11 has sufficient regard for paragraph 35 of the Framework which requires development contributions to not undermine the deliverability of the plan.
138. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy LOW12: Port Development

140. This policy seeks to establish that development on the identified Port site should demonstrate how any environmental impacts are mitigated.
141. The representation of East Suffolk Council suggests additional wording in the policy or interpretation to provide examples of improvements or environmental

impacts to assist implementation, and states Local Plan allocations in the area to which Policy LOW12 applies should also be referenced. I am satisfied Policy LOW12 sufficiently identifies mitigation measures to meet the Basic Conditions. It is not necessary for a policy to refer to other policies, as the Development Plan should be read as a whole. I refer to these matters in the Annex to my report.

142. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LOW13: North Lowestoft Conservation Area

144. This policy seeks to establish requirements for development within the North Lowestoft Conservation Area.
145. East Suffolk Council state the term "rear of footway frontages" is unclear. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
146. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy LOW13 replace "Rear of footway frontages" with "Building frontages that abut the footways of streets"

Policy LOW14: South Lowestoft and Kirkley Conservation Area

148. This policy seeks to establish requirements for development within the South Lowestoft Conservation Area.
149. The representation of East Suffolk Council suggests adjustment of the stated key characteristics of the area. I am satisfied the policy recognises architectural diversity and the varied palette of building materials. Adjustment is not necessary to meet the Basic Conditions. I agree with East Suffolk Council that the term “rear of footway frontages” is unclear. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
150. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy LOW14 replace “Rear of footway frontages” with “Building frontages that abut the footways of streets”

Policy LOW15: Local Heritage

152. This policy seeks to establish requirements for development affecting local heritage assets.
153. The representation of East Suffolk Council states the Neighbourhood Plan does not include a list of non-designated heritage assets and suggests the criteria for identification of those assets could be referenced in the Neighbourhood Plan. I refer to this matter in the Annex to my report.
154. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LOW16: Strategic Green Landscape

156. This policy seeks to establish development within an identified strategic green landscape should support its amenity, recreational and environmental value and should complement its open and green character.
157. Paragraph 18 of the Framework makes it clear neighbourhood plans contain just non-strategic policies. The use of the term "strategic" in Policy LOW16 and in the policy title is confusing. The representation of East Suffolk Council states "East Suffolk owns land within the allocation for Strategic Green Space which was last in use for tourism and leisure use. This policy should allow for sensitively designed leisure or tourism development, that complements the character and openness, to reflect the established use of parts of this area. This would allow this area to continue contributing to the leisure and tourism economy of Lowestoft. A link (or footnote) should be added for Supporting document 3 - Protecting Open Landscapes, Sports Fields, and Local Green Spaces." Suffolk Wildlife Trust comment that whilst reference is made to County Wildlife Sites there should be more specific reference and identification of sites in the Neighbourhood Plan. I have recommended a modification, to clarify suitable tourism and leisure uses may be appropriate where they complement the open and green character of the area concerned, and to highlight the ecological elements forming part of the environmental value of the identified area. I have also, having regard to paragraph 192 of the Framework, recommended any County Wildlife Sites within the Green Landscape Area should be identified on Figure 20. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
158. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is

appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

In Policy LOW16

- after "recreational" insert "(including appropriate leisure and tourism uses)"
- after "environmental" insert "(including ecological)"

Retitle the policy as 'Policy LOW16 Green Landscape Area' and retitle the policy in the contents pages of the Neighbourhood Plan in the same way.

In the title of Figure 20 and in general text throughout the Neighbourhood Plan replace "Strategic Green Landscape" with "Green Landscape Area".

In Figure 20 identify any County Wildlife Sites within the Green Landscape Area.

Policy LOW17: Local Green Spaces

160. This policy seeks to designate 17 Local Green Spaces and establish a development management regime within them.
161. The representation of East Suffolk Council states the term "exceptional circumstances" should be explained. Suffolk Wildlife Trust comment where proposed Local Green Spaces include County Wildlife Sites they should be identified. Anglian Water Services comment that the proposed policy wording is not wholly consistent with the Framework as clarified in the Courts and recommend parts 2 and 3 of the policy are replaced with suggested wording.
162. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figures 21 and 22 of the Neighbourhood Plan. The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. Supporting Document 3 - Protecting Open Landscapes, Sports fields and Local Green Spaces includes a larger scale map of each area proposed for designation. I am satisfied the areas of land proposed for designation as Local Green Space have been adequately identified.
163. Paragraph 108 of the Framework states Policies for managing development within a Local Green Space should be consistent with those for Green Belts. The part of the Framework that relates to 'Protecting Green Belt land,' including

paragraphs 153 to 160, sets out statements regarding the types of development that are not inappropriate in Green Belt areas. I have recommended a modification so that it is clear the policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip National Park Authority. Case Number: C1/2020/0812). In this context it is not necessary to identify any County Wildlife Sites that may lie within the proposed Local Green Space areas to meet the Basic Conditions.

164. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” In respect of each of the 17 areas proposed for designation as Local Green Space I find the designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
165. Paragraph 107 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” The sites proposed for designation are small, well defined, and substantially enclosed by clear boundaries. The sites are easily recognised as discrete areas of land. The proposed designations, both singly and in combination, do not constitute a blanket designation of open countryside adjacent to existing settlement as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of the intended Local Green Spaces the designations relate to green spaces that are in reasonably close-proximity to the community they serve, are local in character, and are not extensive tracts of land.
166. The Guidance states the Qualifying Body (Parish Council) “should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Planning Practice Guidance Paragraph: 019

Reference ID:37-019-20140306 Revision date 06 03 2014). The areas proposed for designation as Local Green Spaces have been subject to extensive consultation including specific consultation in July/August 2022 relating to proposals for protection of green spaces and playing fields.

167. The submission Neighbourhood Plan includes, in Supporting Document 3 – Protecting Open Landscapes, Sports Fields and Local Green Spaces information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each of the sites including matters referred to in the Framework. Whilst County Wildlife Site status has not been applied as a criterion for designation consideration has been given to locally assessed ecological value. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Spaces are demonstrably special to a local community and hold a particular local significance.
168. I find that the areas proposed as Local Green Spaces are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
169. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
170. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
171. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy LOW17 replace parts 2 and 3 with “2. Development proposals within the designated Local Green Spaces will be managed in accordance with national Green Belt policy.”

Policy LOW18: Recreational and Sports Spaces

172. This policy seeks to establish a development management regime for six identified recreational and sports spaces.
173. The representation of East Suffolk Council states the supporting text does not mention Local Plan Policy WLP 8.23 Protection of Open Space. I refer to this matter in the Annex to my report.
174. Paragraph 104 of the Framework states existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless one of specified criterion are met.
175. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LOW19: Balanced Transport Provision

177. This policy seeks to establish requirements and principles for development to achieve a balanced and sustainable provision of transport options.
178. The representation of East Suffolk Council states "Criterion 2.a) this sentence should read in accordance with the Suffolk Design Streets Guide (2022) and LTN 1/20 – the 15 and 16 appear to be footnote references that are missing. Criterion 6) The reference to Suffolk Guidance for Parking should be updated to 2023. Additionally, this should state with a proportion of on-street parking 'where appropriate' Lowestoft is a densely developed town and development opportunities will come from changes of use and conversions which are unlikely to have their own access road and/or parking spaces and will therefore rely on the existing road network which may lack the necessary capacity for additional non-street parking. I agree these corrections and modification to respond to site and surrounding characteristics are necessary. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. East Suffolk Council also states there is an opportunity to include references to the East Suffolk Cycling

and Walking Strategy in this policy and/or supporting text. I refer to this in the Annex to my report.

179. A representation by Pegasus Group on behalf of Statuslist Ltd supports the aim of Policy LOW19 of reducing the impact of development upon the local road network.
180. Paragraph 117 of the Framework states within the context of paragraph 116 applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
181. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy LOW19

- in part 2a delete “15” and replace “LTN 1/2016” with “Department for Transport Local Transport Note LTN1/20”
- continue part 4 with “unless it is demonstrated this will undermine the deliverability of a development proposal”
- in part 6 replace “2019” with “(2023)” and replace “provisions” with “provision where appropriate”

Policy LOW20: Local Energy Schemes

183. This policy seeks to establish conditional support for local energy schemes.
184. The representation of East Suffolk Council states “some text has been added to state what type of energy scheme is defined however further information is needed here. This information should include generation capacity and physical size of the development as this will help decision makers and developers to ascertain whether a proposal is truly a ‘local’ energy scheme.” The introduction of the term

“local energy schemes” without adequate definition does not provide a basis for the determination of development schemes. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

185. Paragraph 161 of the Framework states the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 165 of the Framework states plans should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure and ensure adverse impacts are addressed

186. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

187. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 16:

In Policy LOW20 and in the Policy title replace “Local” with “Renewable and Low Carbon”

Modify the Contents page of the Neighbourhood Plan to match.

Conclusion and Referendum

188. I have recommended 16 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I recommend to East Suffolk Council that the Lowestoft Neighbourhood Development Plan for the plan period up to 2036 should, subject to the modifications I have put forward, be submitted to referendum.

189. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated as a Neighbourhood Area on 10 December 2018.

Annex: Minor Corrections to the Neighbourhood Plan

190. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

191. Representations refer to an error in paragraph 6.6 of the Neighbourhood Plan which states the Neighbourhood Plan includes a flooding chapter. I recommend this is corrected.

192. East Suffolk Council has proposed the following minor modifications:

- Amend paragraph 3.7 to refer to “the two former Heritage Action Zones”;
- Amend paragraph 6.4 to delete the “to be updated” indicators;
- Amend paragraph 7.10 to delete the sentence commencing “the temptation”;
- Amend the supporting text to Policy LOW2 to refer to the Brooke Marine and Jeld-Wen Mosaic County Wildlife Site;
- Amend paragraph 8.18 to delete the words after “care”;
- Amend paragraph 10.10 to make clear it is possible to bid for CIL funding from the district-wide pot;
- Amend paragraph 10.26 to refer to the ESC Sustainable Construction SPD;
- Include in the Interpretation and Guidance to Policy LOW12 reference to Local Plan allocations in the area to which the policy applies;
- Include in the Interpretation and Guidance to Policy LOW15 a reference to East Suffolk Council’s criteria for identification of non-designated heritage assets;
- Section 10 add mention of Ness Park and Kensington Gardens;
- Amend paragraph 10.43 to explain Policy WLP8.23;
- Policy LOW16 add a footnote to reference Supporting Document 3;
- Add reference to Local Plan Policy WLP 8.23 Protection of Open Space in the supporting text to Policy LOW18;
- Amend paragraph 11.5 to refer to the opening of Gull Wing Bridge in 2024;
- Amend the supporting text to Policy LOW19 to include reference to the East Suffolk Cycling and Walking Strategy;
- Amend Chapter 12 to clarify Policy WLP8.27;
- Ensure references to the South Lowestoft and Kirkley Conservation Area are consistent throughout the Neighbourhood Plan; and
- Update maps to show the Gull Wing Bridge.

I recommend these minor modifications including clarifications, updates and corrections are made.

Recommended modification 17:

Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to

achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.

East Suffolk Council also propose the following minor changes:

- Amend paragraph 3.8 bullet point 2 to refer to all funders;
- Amend paragraph 3.8 bullet point 3 to refer to cultural projects;
- Amend paragraph 8.12 to refer to the 'Battery Green and Post Office redevelopment'; and
- Add examples of environmental impacts and mitigation measures to the Interpretation and Guidance supporting Policy LOW12.

Whilst I am unable to recommend modifications in these respects as they are not necessary to meet the Basic Conditions, I would have no objection to adjustments of the text to accommodate these points.

Chris Collison
Planning and Management Ltd
19 August 2025
REPORT END