



Mutford Neighbourhood Plan Decision Statement

(The Neighbourhood Planning (General) Regulations 2012 – Regulation 18)

1. Summary

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

2. Background

2.1 Mutford Parish Council, as the Qualifying Body, successfully applied for Mutford Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The [Neighbourhood Area](#) was designated by (former) Waveney District Council on 14th September 2016.

2.2 The Mutford Neighbourhood Plan was published by Mutford Parish Council for pre-submission consultation (Regulation 14) between 1st December 2018 and 31st January 2019.

2.3 Following the submission of the Mutford Neighbourhood Plan ([submission version](#)) to East Suffolk Council the Plan was publicised and comments invited over a six week period which closed on 7th June 2019.

2.4 East Suffolk Council, with the agreement of Mutford Parish Council, appointed an independent examiner, Andrew Ashcroft BA(Hons) M.A. DMS MRTPI to review the Plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to Referendum.

2.5 The [Examiner's Report](#) received 1st August 2019 concluded that subject to modifications identified in the Report, the Mutford Neighbourhood Plan meets the basic conditions. This is summarised in paragraph 144 of the Report which states:

Subject to these modifications, I confirm that:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects, goes on to recommend that subject to the modifications proposed, the Mutford Neighbourhood Plan should proceed to Referendum.

2.6 The Examiner recommends that subject to the modifications listed in the Report, the Mutford Neighbourhood Plan should proceed to referendum. He further recommends that the referendum area should be the same as the designated neighbourhood area, there being no substantive evidence to demonstrate that this is not the case. The referendum area is contiguous with the administrative boundary for Mutford parish.

2.7 Following receipt of the Examiners Report, legislation requires that East Suffolk Council consider each of the modifications recommended, the reasons for them, and decide what action to take. This is set out in the table in section 3 below. Ahead of this consideration, the Report and its findings have been subject to discussion between the Council and Mutford Parish Council.

3. Decision and Reasons

3.1 East Suffolk Council, under powers delegated to the Head of Planning and Coastal Management, has considered each of the modifications recommended and concurs with the reasoning provided by the Examiner in his Report dated August 2019. With the Examiner's recommended modifications, East Suffolk Council has decided that the Mutford Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with provision made by or under Section 38A and 38B of the Planning and Compulsory Purchase Act 2004. As a consequence, the submission version of the Mutford Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.

3.2 The Council has considered the referendum area as recommended by the Examiner and has decided there is no reason to extend the neighbourhood area for the purposes of referendum. The Referendum area will be the same as the designated Neighbourhood Area for the Mutford Neighbourhood Plan.

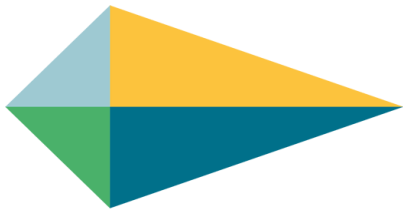
3.3 The list of modifications and actions required are set out in the following table. As a consequence of these changes the Mutford Neighbourhood Plan will be re-published and titled the Mutford Neighbourhood Plan (Referendum Version).



Philip Ridley BSc(Hons) MRTPI

Head of Planning and Coastal Management

Dated: 30th August 2019



EASTSUFFOLK
C O U N C I L

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><u>Policy MNP1 Rural Identity</u> Replace the penultimate paragraph with: 'Development proposals for built development will not be supported in the open landscape between the two settlements boundaries'.</p>	<p>To define the type of development and to ensure that it is capable of being applied through the development management process.</p>	<p>Agree. Penultimate paragraph of policy replaced as recommended.</p>
<p><u>Policy MNP2 Conserving the setting of the Church</u> In the first paragraph of the policy replace 'will be required to.... church – a Grade I listed building' with 'should respect the setting of the Church. Development proposals which would have an unacceptable harmful impact on its setting will not be supported'.</p> <p>In the second paragraph replace 'All such planning applications' with 'Development proposals within the identified setting of the Church'.</p>	<p>To provide clarity required by the National Planning Policy Framework.</p>	<p>Agree. First and second paragraphs of policy amended as recommended.</p>
<p><u>Policy MNP2 Conserving the setting of the Church</u> Replace the third paragraph with 'Development proposals beyond the identified setting of the Church and which have an inter-visibility with the Church will be supported where they accord with other development plan policies and would not have an unacceptable harmful impact on the setting of the Church'.</p>	<p>To ensure the policy achieves the outcome of paragraph 28 of the Neighbourhood Plan for development outside of the defined setting of the church with views of the church to be considered on a case by case basis.</p>	<p>Agree. Third paragraph of policy replaced as recommended.</p>
<p><u>Policy MNP3 Dark Skies</u> In the first paragraph add 'proposals' after</p>	<p>To ensure that the policy is capable of being applied through the development management</p>	<p>Agree. First and third paragraphs of policy amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>'Development'.</p> <p>In the third paragraph replace 'Proposals' with 'Development proposals which incorporate'.</p>	<p>process.</p>	
<p><u>Policy MNP3 Dark Skies</u></p> <p>Replace the second paragraph of the policy with: 'Other than for householder development, development proposals should include a statement explaining how any external lighting (including its luminosity) has regard to preserving the dark night skies in the neighbourhood area.'</p>	<p>To reflect that the reference to 'all development' is disproportionate as most domestic development is unlikely to affect dark skies.</p>	<p>Agree. Second paragraph of policy replaced as recommended.</p> <p>Include new paragraph in supporting text after paragraph 34 to add clarity: 'Policy MNP.3 Dark skies, below, applies to all new development proposals other than householder development (for example extensions to existing dwellings).'</p>
<p><u>Policy MNP4 Housing Development</u></p> <p>In the first paragraph insert 'residential' between 'new' and 'development'.</p> <p>In the second paragraph replace the two 'this will not' with 'densities should not'.</p> <p>Replace the third paragraph with 'New residential development should reflect the relationship between plot sizes and building footprints in the immediate vicinity of the proposed development site'.</p>	<p>To provide clarity required by the National Planning Policy Framework.</p>	<p>Agree. First, second and third paragraphs of policy amended as recommended.</p>
<p><u>Policy MNP5 Infill Development</u></p> <p>In the second paragraph of the policy insert 'unacceptable' between 'cause' and 'harm'.</p>	<p>To define the extent of any harm to existing residential amenities and ensure consistency with other recommended modifications.</p>	<p>Agree. Second paragraph of policy amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><u>Policy MNP6 Backland Development</u> In the first criterion of the policy insert 'unacceptably' between 'not' and 'harm'.</p>	<p>To define the extent of any harm to existing residential amenities and ensure consistency with other recommended modifications.</p>	<p>Agree. First criterion amended as recommended</p>
<p><u>Policy MNP8 Off-road parking</u> In the first part of the policy replace 'will' with 'should'.</p> <p>In the third part of the policy replace 'The use of' with 'Development proposals which incorporate'.</p>	<p>To provide clarity.</p>	<p>Agree. First and third part of the policy amended as recommended.</p>
<p><u>MNP9 Rural tourism accommodation</u> In the opening part of the policy replace 'will only be permitted' with 'will be supported'.</p> <p>Include a free-standing paragraph at the end of the policy to read: 'Development proposals which do not meet the criteria in the first part of this policy will not be supported'.</p>	<p>To ensure that the policy takes a positive approach.</p>	<p>Agree. Policy amended as recommended.</p>
<p><u>MNP9 Rural tourism accommodation</u> In the second criterion (first sentence) replace 'viability of the proposal' with 'viability of the tourism accommodation proposal'. In the second sentence add 'of the proposed tourism accommodation' after 'assessment'.</p>	<p>To provide clarity.</p>	<p>Agree. Second criterion amended as recommended.</p>
<p><u>Paragraph 69 (Paragraph 70 following other modifications)</u></p>	<p>To ensure consistency with policy MNP10.</p>	<p>Agree. Paragraph amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>Add 'Policy MNP10 captures these matters. It offers support to the development of rural businesses within either of the two settlement boundaries or in locations which are adjacent to either of the settlement boundaries (other than where they would fall within the open landscape area as defined earlier in this Plan).</p>		
<p><u>Policy MNP10</u> Replace the opening part of the policy with: 'Development proposals for small scale employment uses within the two settlement boundaries or adjacent to either of the two settlement boundaries, except within the open landscape area defined in Policy MNP1 and as shown on Map 3 in Appendix A, will be supported provided that'.</p>	<p>To ensure that the policy does not conflict with policy MNP1 Rural Identity.</p>	<p>Agree. Policy amended as recommended.</p>
Other Changes not required to meet Basic Conditions	Reason for change	Action by ESC
<p><u>Modification of general text</u> Update the general text of the Plan taking into account the recommendations contained in this Report.</p>	<p>Achieve consistency with recommended modifications.</p>	<p>Agree. General text amended where necessary.</p>