

Southwold Neighbourhood Development Plan 2020-2039

**A report to East Suffolk Council on the Southwold
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by East Suffolk Council in August 2021 to carry out the independent examination of the Southwold Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 23 August 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and designating local green spaces. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Southwold Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
20 October 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Southwold Neighbourhood Development Plan 2020-2039 (the 'Plan').
- 1.2 The Plan has been submitted to East Suffolk Council (ESC) by Southwold Town Council (STC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive and to be complementary to the development plan.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by ESC, with the consent of STC, to conduct the examination of the Plan and to prepare this report. I am independent of both ESC and STC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Character Area Appraisal;
- the appendix to the Appraisal (on Garden Assessment);
- the supporting documents;
- the Locality Report on the viability of community-led housing projects (Section 11 of the supporting documents);
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA screening report;
- the HRA screening statement;
- the responses to the clarification note from STC;
- the responses to the clarification note from ESC;
- the representations made to the Plan;
- the adopted Waveney Local Plan 2014-2036;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance (March 2014 and subsequent updates);
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 23 August 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised ESC of this decision once I had received STC's responses to the clarification note.

3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. Since the Plan was submitted for examination the NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 STC prepared a Consultation Statement. The Statement is extensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission versions of the Plan. Its key strength is the way in which it sets out the key issues in a proportionate way which is then underpinned by more detailed sections in the report and its appendices.
- 4.3 Appendix 1 of the Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the Market Square community event (September 2014);
 - the Town Hall drop-in day (December 2014);
 - the distribution of the Southwold in 10 years leaflet (January 2015);
 - the public meeting (June 2015);
 - the delivery of a questionnaire to all households (July 2016); and
 - the Town Hall drop in events (December 2019).
- 4.4 The Statement also provides details of the way in which STC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 The Statement also provides specific details on the comments received as part of the consultation process on the pre-submission versions of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. ESC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted Plan was undertaken by ESC. It ended on 9 July 2021. This exercise generated comments from a range of organisations as follows:

- Suffolk County Council.
- East Suffolk Council.
- Historic England.
- Natural England.
- Police and Crime Commissioner for Suffolk.
- Walberswick Parish Council.

4.8 Representations were also received from five local residents.

4.9 I have taken account of all the representations on preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Southwold. Its population in 2011 was 1098 persons living in 1335 houses. Of these, 661 (49.5%) had at least one usual resident and 674 (50.5%) had no usual residents. It was designated as a neighbourhood area on 19 May 2014. It is an irregular area on the Suffolk Coast and is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.
- 5.2 The town has a very attractive urban environment. Its historic core is a designated conservation area. As the conservation area character appraisal comments 'Southwold is surrounded by open space; over the sea to east, over the coast and marshes to north and south; over The Common and the River Blyth estuary to the west. In comparison the town's urban spaces appear small; its streets and greens making spaces formed by an almost continuous built-up frontage of buildings, set along the back edge of the pavement or against the carriageway edge. In Southwold the spaces occur in a linear pattern along roads, as 'static' spaces where roads meet, and within the many greens of Southwold'. There is a separate conservation area at Southwold Harbour and Walberswick Quay.
- 5.3 The remainder of the neighbourhood area consists of very attractive rural hinterland to the south and west of the town itself. The majority of the land is an open landscape created by the Common, Buss Creek, dykes, marshes, the River Blyth, the beach, the dunes and the North Sea. This landscape has striking views and is rich in wildlife habitat. Much of it is designated as a Site of Special Scientific Interest (SSSI) or County Wildlife Area.

Development Plan Context

- 5.4 The development plan covering the neighbourhood area is the Waveney Local Plan 2036. The Local Plan sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It was adopted in March 2019.
- 5.5 The Local Plan includes a comprehensive range of policies. Southwold is addressed alongside Reydon in Section 6 of the Plan. It comments that Southwold has limited scope to expand due to its location within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The Plan does not include housing allocations in the neighbourhood area. Policy WLP6.2 provides specific guidance for future development at Southwold Harbour.
- 5.6 The following more general policies in the Local Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy WLP1.2	Settlement Boundaries
Policy WLP8.7	Small scale residential development in the countryside
Policy WLP8.23	Protection of Open Space

Policy WLP8.29	Design
Policy WLP8.32	Housing Density and Design
Policy WLP8.35	Landscape Character
Policy WLP8.37	Historic Environment

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in East Suffolk. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 23 August 2021.
- 5.10 I drove into Southwold from Reydon to the north and west. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted its connection to the strategic road system.
- 5.11 I looked initially at the part of the town around the A1095/North Road/Pier Avenue/Blyth Road. I saw the scale and significance of the proposed development sites as identified in Policy SWD16.
- 5.12 I then walked into the High Street. I saw its attractive range of retail and commercial uses. I also saw the healthy balance of independent and national retailers. I also saw the attractive range of traditional shop fronts.
- 5.13 I then took time to walk around the tight network of streets between High Street and North Parade. I saw the attractive mix of the house types and their ages.
- 5.14 I walked along the sea front from East Cliff to the Pier and then back to the Promenade. In doing so, I saw the attractive collection of Greens proposed as local green spaces in the Plan. I saw the attractive nature of the public realm and the way in which it was being enjoyed by local residents and visitors alike.
- 5.15 At the southern end of Primrose Alley I continued through the grassed areas to the east of Ferry Road to Southwold Harbour and the River Blyth. I saw that it had a very different character to that of Southwold itself.
- 5.16 I finished the visit by looking at the part of the neighbourhood area based around York Road. I saw the significance of the Golf Club and the Rugby Club in this part of the town. I also saw the way in which its openness contrasted with the tightly built-up character of the urban area to its east.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Southwold Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Waveney Local Plan 2014-2036
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies that address the need for affordable housing, a principal residency requirement and policy controls on holiday lettings. It also seeks to safeguard the quality and nature of its landscape setting and proposes the designation of local green spaces.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for affordable housing (Policy SWD1-3) for development sites (Policy SWD16) and for a variety of employment-related uses (Policy SWD 8/9/10). In the social role, it includes policies on a principal residency requirement (Policy SWD4), for local green spaces (Policy SWD13) and community facilities (Policy SWD15). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy SWD6) and on flooding (Policy SWD14). STC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in East Suffolk in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit 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.
- 6.15 In order to comply with this requirement ESC undertook a screening exercise (March 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. It reached this conclusion on the basis that the Plan does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Waveney Local Plan (March 2019) which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment.
- 6.16 ESC produced a separate Habitats Regulations Assessment (HRA) of the Plan in September 2019. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is very thorough and comprehensive. It took appropriate account of an extensive range of protected sites as follows:
- Alde-Ore & Butley Estuaries SAC
 - The Broads SAC
 - Benacre to Easton Bavents Lagoons SAC
 - Minsmere to Walberswick Heaths and Marshes SAC
 - Dews Ponds SAC
 - Alde-Ore Estuary SPA
 - Benacre to Easton Bavents SPA
 - Broadland SPA
 - Outer Thames Estuary SPA
 - Minsmere-Walberswick SPA
 - Sandlings SPA
 - Alde-Ore Estuary Ramsar
 - Broadland Ramsar
 - Minsmere-Walberswick Ramsar

It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and STC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of well-developed non-Policy Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary, I have identified the inter-relationships between the policies. It addresses the Actions after the policies
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional fashion. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 The Introduction (Section 1) comments about the development of the Plan. It also provides background information on neighbourhood planning in general and the way in which the submitted Plan will complement the wider development plan. It includes an excellent map of the neighbourhood area (Figure 1.1) and identifies the Plan period (in paragraph 1.1). It comments about the planning policy context within which the Plan has been prepared and the consultation exercises which took place as it was prepared.
- 7.10 The Local Context (Section 2) comments about the neighbourhood area. It describes its history and its current profile. It also comments about the evidence gathered and used in the preparation of the Plan. It provides comprehensive information on the following matters:

- its population profile;

- its housing stock;
- its working profile; and
- cars and travel.

This analysis is well-presented. It provides a very helpful context to several of the policies in the Plan.

- 7.11 The Vision and Objectives (Section 3) comments about the broader ambitions of the Plan based around a series of challenges. It then identifies a Vision for Southwold and a series of objectives for the preparation of the neighbourhood plan.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

The context to Policies SWD1-4

- 7.13 Policies SWD1-4 respond in a very distinctive way to the set of circumstances which are set out in the Plan. They have a very particular effect and influence on the local housing market. In summary they include:
- the small size of the town;
 - the use of the dwellings - only 40% of the housing stock is occupied by full-time residents;
 - the town's remaining housing stock is occupied as second homes or used as holiday lets;
 - there is only a limited stock of full-time market rental property;
 - house prices are high and unaffordable to local people; and
 - the environmental restrictions of the town are such that development opportunities only exist on brownfield sites.

- 7.14 In their different ways these matters underpin the approach to Policies SWD 1-4. They are component elements of a wider initiative to deliver community-led housing in the neighbourhood area. I comment on the four policies in turn below. I do not necessarily repeat these general comments on a policy-by-policy basis.

Policy SWD1 - Redeveloping Assets of Community Value for community-led housing

- 7.15 This policy offers support to proposals to redevelop a registered Asset of Community Value within the settlement boundary to part community use and part affordable housing where specific circumstances are met.
- 7.16 The overall approach taken in the policy is distinctive to the neighbourhood area. In addition, it is evidence-based and well-researched. It is precisely the type of an innovative approach which national policy anticipates that a neighbourhood plan would develop. The policy comments about the 'exceptional' circumstances in which its approach would be pursued. Whilst I can understand the circumstances in which such wording has been used, the policy has been developed to achieve a specific outcome and the policy identifies the criteria and the mechanisms which will be applied. As such

the use of 'exceptional' is inappropriate and I recommend that it is deleted from the policy.

- 7.17 Other elements of the policy provide further detail on the overall approach. The second comments that a change of use of any part of the site for permanently affordable housing should be delivered by a community-led housing group. The third comments that cross-subsidy of permanently affordable housing with an element of market housing may be permitted if it is demonstrated through an independent, community-led housing viability.
- 7.18 A key element of the policy is its requirement that any affordable housing development is delivered by a community-led housing (CLH) group. The Plan comments that whilst CLH groups can take different legal forms, three qualities are essential for a development scheme to qualify as CLH:
- there must be meaningful community engagement in the development of a scheme;
 - a CLH group must own, manage or steward the homes in a manner of its choosing, including establishing an allocations policy that is consistent with its constitution. This policy should be transparent, reflect local housing needs, and be developed through consultation with the community and stakeholders; and
 - the benefit to the community must be clearly defined and housing affordability must be legally protected in perpetuity through a Section 106 agreement or other legally binding mechanism.
- 7.19 In normal circumstances it would be inappropriate for a planning policy to attempt to specify the nature of the developer for a specific site or a type of development. However, in this case, STC has set out a compelling case for the application of such a policy. In particular, it takes a general approach towards a community-led housing group (rather than any specific provider or a group of providers). In addition, the policy reflects:
- the findings of the commissioned report by Locality on the viability of community-led housing schemes;
 - the information in the Plan on the current stock of affordable housing in the town (paragraph 4.14);
 - the very specific circumstances of the local housing market and the demand for second homes and holiday lets; and
 - the local experience of the delivery of CLH projects (paragraph 4.21 and 4.22).
- 7.20 The element of the policy on cross-subsidy is well-considered. In particular it is healthily underpinned by the need for any development proposal to be accompanied by an independent, community-led housing viability study. The approach then comments that any market housing demonstrated as necessary to cross-subsidise affordable housing must be no more than one third of the dwellings. I have considered this matter very carefully. On the one hand, such a percentage would be consistent with cross-subsidisation and ensuring that the affordable housing element remains the predominant form of housing. On the other hand, the Plan provides no detailed evidence about the percentage identified. In addition, its prescriptive ceiling figure may

not relate to the findings of the independent, community-led housing viability study produced on a site-by-site basis.

- 7.21 On the balance of the information available to me, I recommend that this element of the policy is modified so that it takes on a more general format which would address two related points. The first is that the amount of market residential is no greater than that required to make the affordable scheme deliverable. The second is that the amount of market residential housing should not exceed the amount of affordable housing.
- 7.22 I also recommend a detailed modification to the wording used in Part C of the policy so that it has the clarity required by the NPPF for a neighbourhood plan policy.
- 7.23 The final part of the policy is a summary of the overall effect of its three earlier parts. As it adds no clarity to the substantive approach in the policy, I recommend that it is deleted.

In Part A of the policy delete ‘in exceptional circumstances’

In Part C of the policy replace ‘may be permitted’ with ‘will be supported’

In Part C of the policy replace the final sentence with: ‘Any market housing demonstrated as necessary to cross-subsidise affordable housing should be no greater than that required to make the affordable scheme deliverable, and, in any event, should not exceed the amount of affordable housing’

Delete Part D of the policy.

Policy SWD2 - Redeveloping community uses for affordable housing

- 7.24 This policy takes an innovative approach towards the potential use of community facilities for affordable housing. It comments that proposals to redevelop community land or buildings within the settlement boundary will be supported based on a hierarchy of preferred uses. Lower priority uses will only be considered if, following a sustained marketing campaign that meets the requirements of Local Plan Policy WLP 8.22, higher priority schemes do not come forward. In descending order of priority, the preferred uses are:
- solely community uses;
 - if, a proposal for solely community use does not come forward during the marketing campaign, then development of a mix of community use and permanently affordable housing will be permitted.
 - if, a proposal for uses i- ii does not come forward during the marketing campaign, then development of the whole site for permanently affordable housing will be permitted.
 - if, a proposal for uses i- iii does not come forward during the marketing campaign, then an affordable housing scheme delivered by a housing association will be permitted.

- if none of the above uses come forward during the marketing campaign, then alternative uses will be permitted.

7.25 Other elements of the policy comment in greater detail about the way in which affordable housing should be delivered. The second comments that change of use of any part of the site for permanently affordable housing should be delivered by a community-led housing group. The third comments that cross-subsidy of permanently affordable housing with an element of market housing may be permitted if it is demonstrated through an independent, community-led housing viability.

7.25 The hierarchy of preferred schemes in the first part of the policy is an innovative approach to this matter. I am satisfied that it is capable of application through the development management process. It meets the basic conditions. In reaching this conclusion, I have taken account of the representation by the Police and Crime Commissioner.

7.26 I have commented about the second, third and fourth elements of this policy in relation to Policy SWD1. The same principles apply to this policy. As such I recommend identical modifications.

In Part C of the policy replace 'may be permitted' with 'will be supported'

In Part C of the policy replace the final sentence with: 'Any market housing demonstrated as necessary to cross-subsidise affordable housing should be no greater than that required to make the affordable scheme deliverable, and, in any event, should not exceed the amount of affordable housing'

Delete Part D of the policy.

Policy SWD3 - Redeveloping existing employment areas for affordable housing

7.27 This policy takes a parallel approach to that in Policy SWD2. In this case it relates to existing employment areas.

7.28 Proposals to redevelop land in Existing Employment Areas within the settlement boundary will be supported based on a hierarchy of preferred uses. Lower priority uses will only be considered if, following a sustained marketing campaign that meets the requirements of Local Plan Policy WLP 8.12, higher priority schemes do not come forward. In descending order of priority, the preferred uses are:

- a solely employment use.
- if a proposal for solely employment use does not come forward during the marketing campaign, then development of a mix of employment and permanently affordable housing will be permitted.
- if a proposal for uses i- ii does not come forward during the marketing campaign, then development of the whole site for a solely permanently affordable housing will be permitted.

- if a proposal for uses i- iii does not come forward during the marketing campaign, then an affordable housing scheme delivered by a housing association will be permitted.
- if a proposal for uses i- iv does not come forward during the marketing campaign, then alternative uses will be permitted.

- 7.29 Other elements of the policy comment in greater detail about the way in which affordable housing should be delivered. The second comments that change of use of any part of the site for permanently affordable housing should be delivered by a community-led housing group. The third comments that cross-subsidy of permanently affordable housing with an element of market housing may be permitted if it is demonstrated through an independent, community-led housing viability.
- 7.30 The hierarchy of preferred schemes in the first part of the policy is an innovative approach to this matter. I am satisfied that it is capable of application through the development management process. It meets the basic conditions. In reaching this conclusion, I have taken account of the representation by the Police and Crime Commissioner.
- 7.31 I have commented about the second, third and fourth elements of this policy in relation to Policies SWD1 and SWD2. The same principles apply to this policy. As such I recommend identical modifications.

In Part C of the policy replace ‘may be permitted’ with ‘will be supported’

In Part C of the policy replace the final sentence with: ‘Any market housing demonstrated as necessary to cross-subsidise affordable housing should be no greater than that required to make the affordable scheme deliverable, and, in any event, should not exceed the amount of affordable housing’

Delete Part D of the policy.

Policy SWD4 - Principal Residence Requirement

- 7.32 This policy comments that proposals for all new housing (including affordable housing but excluding replacement dwellings) will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence.
- 7.33 The policy is underpinned by extensive supporting text. It reinforces the nature of households in the neighbourhood area as set out in paragraph 5.1 of this report. In particular 4.24 of the Plan comments that ‘Southwold is the coastal community with the highest proportion of household spaces with no usual residents, 50%, in the whole of England and Wales. Moreover, this has changed substantially in the period since 2001, when the equivalent figure was 38%. By contrast, the average rate of non-principal residents in small coastal communities in England and Wales is 10.4% and in England and Wales as a whole, it is 4.4%’.

- 7.34 Plainly this is a very important matter for the local community. It presents a series of economic and social issues which impact on the sustainability of the wider neighbourhood area.
- 7.35 Paragraph 4.37 comments about the Plan's anticipation that such a policy will reduce the cost of land, which would make it easier to build affordable housing. This is based on general research as highlighted in the Plan. However, there is no specific evidence which has been developed locally. In addition, such a statement takes no account of the complex way in which land may or may not become available in the neighbourhood area in the Plan period. In addition, other policies in the Plan comment about the delivery of affordable housing. This policy has a clear focus on a principal residency requirement which is a very different matter. In all the circumstances I recommend that paragraph 4.37 of the Plan is deleted. Other elements of the evidence base and the supporting text underpin the need for a principal residency requirement.
- 7.36 On the balance of the evidence, I am satisfied that the policy is both evidence-based and appropriate to the particular circumstances of the neighbourhood area. Its restrictions /control mechanisms are both realistic and enforceable. The policy will do much to contribute towards the delivery of the social dimension of sustainable development in the neighbourhood area. It meets the basic conditions.
- 7.37 In coming to this conclusion, I have taken account of the comments of the local residents represented by Artisan Planning and Property Services. Plainly, it is likely that a policy of this type will reinforce the current demand for people looking for second homes/holiday lets amongst the existing housing stock. Nevertheless, a planning policy could not control that demand in any event, and the focus of Policy SWD4 is on the development of new housing. I have also taken account of the suggestion the policy wording of SWD4 should be extended to exclude properties from the principle private residence clause which would be used for rent for no less than 6 months in any 12-month period. In my view such an approach would be difficult to enforce and would not necessarily guarantee the outcomes anticipated by the policy.

Delete paragraph 4.37

Policy SWD5 - Holiday Letting

- 7.38 This policy comments that new C3 development for holiday letting (sui generis) or change of an existing C3 use to holiday let will only be permitted where the applicant can demonstrate that specific requirements have been met.
- 7.39 The policy's approach is underpinned by the contents of paragraph 4.43 of the Plan. It comments that:

'Intensive use of dwellings for holiday letting can be associated with unneighbourly behaviour. When people are on holiday, they tend to use a property differently from when they are in their own home. Local residents complain about excessive noise; light pollution from all-night security lighting; anti-social parking, unmanaged rubbish that reduces recycling and attracts vermin. The amenity of residents is also harmed in other

indirect ways. Users of holiday lets do not participate (other than as consumers) in community institutions that rely on volunteers to deliver events and services'

- 7.40 In addition paragraph 4.45 of the Plan helpfully comments on the assessment which ESC will need to make on a case-by-case basis about the extent to which a proposed use of a dwelling as a holiday let would represent a material change of use based on the fact and degree of its intended use. In these circumstances, I recommend that the policy is modified to acknowledge that its contents will only apply when a material change of use would take place.
- 7.41 In its response to the clarification note, STC commented about the second of the two criteria in the policy. The explanation about the direct and indirect effects of holiday lets is helpful. I recommend that the policy incorporates a third criterion so that the two matters currently addressed in the second criterion are separated and become free-standing matters. I also recommend that the broader policy wording is modified to bring the clarity required by the NPPF.
- 7.42 Otherwise, I am satisfied that the policy meets the basic conditions. In particular it serves a clear purpose, it takes account of the existing number of holiday lets in the town and acknowledges the scale and significance of parking issues associated with holiday lets.

Replace the policy with:

'Insofar as planning permission is required, development proposals for new C3 development for holiday letting (sui generis) or for the change of use of an C3 residential house to a holiday let (sui generis) will only be supported where:

- **car parking can be provided in the curtilage of the building in accordance with Policy SWD7 (Parking);**
- **the proposed use would not have an unacceptable impact on the amenities of houses in the immediate locality; and**
- **the wider effect of the proposal would not be unacceptable taking account of the cumulative and indirect impacts of holiday lets in the town.'**

Policy SWD6 – Design

- 7.43 This is a very well-prepared and researched policy. It positively addresses the increasingly important national design agenda. It is based around the preparation of a Southwold Character Area Appraisal and results in a distinctive local approach to design.
- 7.44 The policy helpfully incorporates the National Design Guide's characteristics of well-designed buildings and places. It carefully overlaps with earlier work undertaken on the Conservation Area Character Appraisal and the associated Management Plan. In addition, the policy is very well-developed in the way in which it addresses the character areas identified in the Character Area Appraisal (CAA).

- 7.45 It also identifies a series of recurrent design issues. They are helpfully detailed in the supporting text. Plainly they are distinctive to the neighbourhood area.
- 7.46 The policy comments that development proposals must be informed by the National Design Guide (NDG). It also comments that planning applications must demonstrate, either through the Design and Access Statement where this is required or through sufficiently detailed plans and documents, that they have regard to five design matters.
- 7.47 The policy healthily combines an approach which captures both the NDG and the locally-produced CAA. I recommend a series of modifications to bring the clarity required by the NPPF. In particular I recommend that the opening part of the policy is reconfigured so that it concentrates more on outcomes rather than the process of 'being 'informed' by the NDG. I also recommend that this part of the policy takes account of the scale and nature of the proposed development. Whilst good design applies universally, the policy is likely to have a greater effect on larger scale proposals rather than minor and/or domestic proposals.
- 7.48 The Plan has been prepared within the context of the 2019 version of the NPPF. In July 2021 an updated version of the NPPF was published. The principal changes between the two versions of the NPPF relate to design matters. In many respects Policy SWD6 had anticipated the contents of the updated NPPF. It references the National Design Guide and is directly informed by the excellent Southwold CAA. As such, I am satisfied that there the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the updated NPPF. I also recommend that STC take the opportunity to update the supporting text in Section 5 of the Plan to reflect the slightly revised paragraph numbers in the 2021 version of the NPPF.

Replace the initial part of the policy with: 'In order to create high quality buildings and places that are beautiful and enduring, development proposals should be informed by the National Design Guide as appropriate to their scale nature and location and respond positively to its principles'

In the second part of the policy replace 'must' with 'should'

Replace the final part of the policy with: 'Development proposals which do not demonstrate their compliance with the design principles A – E above will not be supported'

At the end of paragraph 5.23 add: 'This approach is consistent with the design-led approach as captured in national planning policy. The Neighbourhood Plan sets out the Town Council's approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable'

Update the reference to NPPF paragraph numbers in Section 5 of the Plan.

Policy SWD7 – Parking

- 7.49 This policy takes account of parking pressures in the town. It comments that development proposals that create a demand for vehicle parking should meet the requirements of the Suffolk Highways Guidance 2019. It also comments that alternative levels of parking provision will only be supported if the proposal demonstrates a clear local benefit such as enabling the provision of affordable housing, community and employment space, and is of a high-quality design that preserves and enhances bio-diversity.
- 7.50 Other elements of the policy address more detailed matters. The second sets out criteria for on-site residential car parking. The third comments about the use of on-street parking to meet parking standards. The fourth comments that development that results in the loss of existing off-street or on-street parking will be required to provide the same number of new parking spaces in the Parking Zone in which the proposed development is located.
- 7.51 The fifth part of the policy is more general in effect. It comments that in determining applications that include parking provision, great weight will be given to achieving high quality design that respects the character and feel of Southwold, and to preserving and enhancing biodiversity.
- 7.52 The policy takes a balanced approach to this matter. In particular it takes account of the parking issues which exist in the town in general, and in the summer period in particular. They are set out in the supporting text in Section 6 of the Plan.
- 7.53 The general approach taken is appropriate to the circumstances found in the town. I recommend a series of modifications to ensure that the policy meets the basic conditions. Its implementation will contribute significantly to each of the three dimensions of sustainable development.

In part B replace ‘Applications’ with ‘Development proposals’

Replace the fifth bullet point of part B of the policy with: ‘uses permeable surfacing, where practicable. Where this cannot be achieved, proposals should demonstrate how surface water will be drained on-site in a sustainable fashion.’

In the opening part of part C of the policy replace ‘will be expected to’ with ‘should’

Replace the second bullet point of part C of the policy with: ‘should demonstrate that there are available on-street parking spaces within peak demand periods to accommodate the additional demand in areas of parking stress (as shown on the policies map)’

In part D of the policy replace ‘will be required to’ with ‘should’

Policy SWD8 - Small Shop Units

- 7.54 This policy seeks to retain small shop units in the town centre which contribute to the character and vibrancy of the town and its retail offer. It comments that development proposals will be expected to retain the profile of predominantly small shop units in the town and that in the Primary and Secondary Shopping Frontages (as defined in the Local Plan), proposals to materially increase the size of an existing retail unit will only be supported if the existing smaller shop unit is demonstrated not to be commercially viable.
- 7.55 In the clarification note I asked STC if it had any direct evidence on the extent to which extended retail premises are beyond the reach of independent traders. It advised that the information was anecdotal. However, it highlighted that it was aware that independent retailers may need larger premises because they are successful businesses which would like to expand and that it did not want to discourage this ambition or its delivery.
- 7.56 Similarly, I sought information from STC on what would be regarded as a 'material' increase in the size of a retail unit. In its response it suggested that an increase of 40% or more would be appropriate. It commented that in the period 2012 – 2017, three small shops were expanded by a developer with the purpose of bringing in national chains (Costa, Crew Clothing, Joules); their areas were increased by 41%, 134% and 192%, respectively. It confirmed that it is these types of extensions, which resulted in the reduction of the small shop space required by independent businesses, which SWD8 seeks to manage.
- 7.57 The additional information provided by STC through the clarification note process is very helpful. Whilst elements of the approach in the policy are designed to retain the flexibility for independent traders to operate in the town centre, the policy itself acknowledges that the ownership of a commercial property is not in itself a land use matter. As such, I concentrate my comments on the extended premises matter. In this regard, STC suggested threshold of a 40% increase is both appropriate and evidence-based. I also recommend that the policy's approach is shifted from one which requires the existing smaller shop unit to demonstrate that it is commercially unviable to continue at its current size to one which requires the existing occupier to demonstrate that any extension of the existing floorspace (beyond 40%) is essential to ensure its continued effective trading. This approach would reflect STC's response to the clarification note. It would also result in a policy which had a positive effect (supporting the expansion of an existing prosperous business) rather than a negative effect (requiring a developer to demonstrate that an existing retail unit is too small to be commercially viable).

Replace the policy with:

'In the Primary and Secondary Shopping Frontages, development proposals to increase the size of an existing retail unit by more than 40% of its existing floorspace will only be supported where it can be demonstrated that they are essential to ensure the continued effective trading of the existing operator'

Policy SWD9 - Solo workers and micro businesses

- 7.58 This policy seeks to tap into local support from business organisations for the development of small-scale starter units. It comments that development proposals to provide start-up and grow-on B1 Class business space on flexible terms will be supported through the conversion of existing buildings or the provision of new buildings within the settlement boundary of Southwold town, and in particular on the Station Yard development site.
- 7.59 Paragraph 7.15 provides a context to the policy approach. It comments that ‘the East Suffolk economy (9,300 businesses in total) has a very high percentage of micro-businesses and a high incidence of self-employment.⁶² Southwold mirrors this pattern, with 34% self-employment compared to an average of 15% for England and Wales. East Suffolk Economic Growth Plan, 2018-2023 has identified that a significant barrier to economic growth is the insufficiency of existing provision for micro and small businesses, the limited move-on space and the reluctance of developers to build speculatively. Providing appropriate workspace and premises to enable micro and small enterprises to thrive is one of the pillars of its economic strategy’.
- 7.60 Paragraphs 7.18 and 7.19 provide commentary on the anticipated outcome of the policy as follows:
- ‘For people without adequate space for a home office, and for start-up and growing businesses, the ability to access workspace on flexible terms (including affordable rents) is one of the most important factors in deciding where to locate a business. Having additional B1 business space available in the town creates the potential to attract incomers, encourages new start-ups by people living in the area, and retains businesses within the town that are out-growing their space. Accordingly, opportunities to develop business spaces of various sizes, including meeting rooms, should be encouraged.’*
- 7.61 The policy is a positive approach to this matter. In addition, it takes a flexible view about how such developments should be achieved. In general terms it meets the basic conditions. Nevertheless, I recommend a modification to the structure of the policy to bring the clarity required by the NPPF. It would have the associated benefit of simplifying the policy.
- 7.62 I also recommend a modification to the reference to Class B1 uses in the policy. This approach was based on an earlier version of the UCO which was updated in 2020. In particular it introduced a new Class E use (business) which replaced several former use classes (including Class B1). As STC commented in its response to the clarification note the greater flexibility provided by the Use Classes Order for business uses accords with its thinking for the town in the Plan period. I also recommend consequential modifications to the supporting text.
- 7.63 The policy also comments about any such new development offering premises on ‘flexible terms’. Plainly this may be an important matter for small scale businesses looking to occupy commercial premises for the first time or to relocate from their existing premises. Nevertheless, such matters cannot be controlled within the planning

system. As such, I recommend that it is removed from the policy. Given the significance of the issue I recommend that the supporting text on the issue is expanded.

Replace the policy with: ‘Development proposals to provide start-up and/or grow-on business space (Class E) will be supported through the conversion of existing buildings or the provision of new buildings within the settlement boundary, and on the Station Yard development site in particular.’

At the end of paragraph 7.18 add: ‘Whilst the matter of flexible terms is not a land use matter, the promotion of business premises with such arrangements would be particularly welcomed.’

In paragraphs 7.19 and 7.20 replace ‘B1’ with ‘E’

Policy SWD10 - Extension of existing employment areas

- 7.64 This policy proposes the extension of the Local Plan’s Existing Employment Areas as shown in the map in section 15.2 to include two employment areas. The first is the complex of the Adnams Brewery employment space on Church Street, Victoria Street, Cumberland Road and East Green. The second is the Southwold Business Centre, off St Edmund’s Road.
- 7.65 This policy is entirely appropriate in the wider context of the Plan and its policies. It overlaps with the approach taken in Policy SWD3.
- 7.66 I recommend detailed modifications to the wording of the second part of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will assist significantly in delivering the economic dimension of sustainable development in the neighbourhood area.

Replace the second part of the policy with: ‘Development proposals in the two areas should comply with the requirements of Waveney Local Plan Policy 8.12 (Existing Employment Areas)’

Policy SWD11 - Provision of wildlife in development

- 7.67 This policy comments that development proposals should incorporate features which provide net gains to biodiversity. It provides a series of examples.
- 7.68 The policy is underpinned by extensive supporting text commenting about the Recreational Avoidance and Mitigation Strategy (RAMS), the designated site of ecological importance and County Wildlife Sites.
- 7.69 As submitted the policy would have a universal effect. However, many minor and/or domestic proposals may not be able to deliver its objectives in a practical or realistic fashion. As such, I recommend that it is modified so that it can be applied in a proportionate way. In reaching this judgement I have taken account of STC’s very helpful responses to the clarification note. I also recommend that the examples of how biodiversity net gain can be delivered are repositioned into the supporting text. Otherwise, it meets the basic conditions.

Replace the policy with: ‘As appropriate to their scale, nature and location development proposals should incorporate features which provide net gains to biodiversity’

Replace the final sentence of paragraph 8.16 with: ‘Examples of such features could include bird boxes, bat boxes, nectar rich planting schemes for pollinators, native trees and shrubs, hedgehog runs and crevices and plantings between paving stones’

Policy SWD12 - Loss of Private Garden Space

- 7.70 This policy is very distinctive to the neighbourhood area. It comments about the importance of gardens in the restricted form of the town. Paragraphs 8.17 and 8.18 set a context to the policy details and comment as follows:

‘Southwold’s’ gardens, including small paved courtyards, provide amenity for residents (including a sense of surrounding space); create an attractive streetscape; help to shape the character of different parts of the town; make an important contribution to bio-diversity, and support a range of housing suitable to people at different life stages..... many gardens consist of a small area in the front that sets the dwelling back from the street, and a longer narrow rear garden. However, there are a number of larger gardens – chiefly in the Town Farm Character Area but also to be found in other parts of the town – which contribute to the supply of housing that is suitable for families.’

- 7.71 Other elements of the supporting text comment about the importance of gardens as wildlife corridors and the recent trend in the town for the conversion of garden structures to holiday lets.
- 7.72 The policy has three related parts. The first comments about development proposals in gardens which are identified in the Southwold Conservation Area Appraisal or Southwold Character Area Appraisal as making a positive contribution to the character of the area. In detail, it develops an approach that proposals for development other than ancillary structures in these gardens must demonstrate how, through their design, layout and use of materials, they retain or enhance the character of the garden space. The second comments that all development proposals elsewhere in the neighbourhood area in gardens and courtyards will only be permitted where the application meets certain criteria. The third comments about proposals for garden structures and how their potential conversion to holiday lets will be controlled.
- 7.73 In general terms, the policy presents a very specific approach to a very distinctive matter. It is evidence-based through the work undertaken on the Southwold CAA. However, to bring the clarity required by the NPPF for a development plan policy, I recommend a series of modifications. In particular they clarify the hierarchical importance of the garden spaces as detailed in the supporting text and the Southwold CAA. This involves a restructuring of the order of the elements of the submitted policy. In the first and second part of the policy (as submitted), I recommend the removal of unnecessary supporting text and the simplification of the format of the policy. I also recommend that paragraph 8.21 is expanded so that it properly draws attention to

permitted development rights. Such rights may change in the Plan period. As such, the recommended modifications to the policy are designed to future-proof this matter.

- 7.74 I recommend that the third part of the policy (as submitted) is reconfigured so that it specifies what will be acceptable rather than to attempt to design a policy which prevents other things happening. In this context, a neighbourhood plan cannot require the local planning authority (here ESC) to impose conditions or a s106 agreement on a decision on a planning application (in this case to prevent their conversion to a holiday let).
- 7.75 Subject to the incorporation of these modifications the policy meets the basic conditions. It will assist significantly in the delivery of the social and the environmental dimension of sustainable development.

Replace the policy with:

‘Development proposals in gardens and courtyards will only be supported where the following criteria are satisfied:

[At this point list A-C from the second part of the policy]

In addition, proposals for development in gardens which are identified in the Southwold Conservation Area Appraisal or Southwold Character Area Appraisal as making a positive contribution to the character of the area should demonstrate the way in which they retain or enhance the character of the garden space through their design, layout and use of materials. Development proposals which would have an unacceptable impact on the character of such garden spaces will not be supported.

Insofar as planning permission is required, proposals for garden structures with associated living space will be supported where they comply with the following criteria

- **they are ancillary to the main residence;**
- **car parking can be provided within the curtilage of the building in accordance with Policy SWD7 (Parking); and**
- **they would not have an unacceptable impact on residential amenity or the operation of community services’**

Replace paragraph 8.21 with:

‘The chief threat to gardens in Southwold comes from cumulative small scale in-fill development (either extensions or stand-alone structures) that has successively enlarged the footprints of original structures, resulting in the erosion of significant amounts of garden space. Some extensions and structures in gardens are permitted development and as such do not need planning permission. The major impact of the erosion of garden space is seen in the Conservation Area but increasingly planning applications for the Town Farm character area are reducing garden space. A more recent trend is applications for permanent garden infill structures purportedly for ancillary uses (office/studios, game rooms, granny annexes), which are subsequently

converted to holiday lets. Robust enforcement will be required to prevent the undermining of planning policies and decisions.'

Policy SWD13 - Local Green Spaces

- 7.76 This policy proposes the designation of ten local green spaces (LGSs). All ten are public green areas owned by ESC. Descriptions of each site and photographs are helpfully included in the Plan.
- 7.77 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of a detail audit of green spaces in which STC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.78 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comfortably comply with the three tests in the NPPF (paragraph 102) and therefore meet the basic conditions. They are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. They are important green spaces within the wider context and character of the town.
- 7.79 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.80 The policy itself has two related parts. The first lists the proposed LGSs. The second sets out the implications for LGS designation. The second part seeks to follow the approach as set out in paragraph 103 of the NPPF. However, it goes beyond that approach in two respects. The first is that it indicates that development will not be permitted unless it is of a limited nature. The second is that it should be an ancillary use to enhance the function of the LGS concerned.
- 7.81 Given the number and diversity of proposed LGSs, I can understand the circumstances which have caused the Town Council to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).

- 7.82 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by ESC. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text is expanded so that it clarifies this matter.

Replace the second part of the policy with:

‘Development proposals within the designated local green spaces will only be supported in very special circumstances’

In paragraph 8.31 after ‘The Public Greens that are designated as Local Green Spaces, shown below, are show in sections 15.3 – 15.6’ add:

‘Policy SWD 13 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by East Suffolk Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’

Policy SWD14 - Minimising the Impact of Flooding

- 7.83 This policy takes a general approach to flooding. It comments that development proposals should mitigate flooding from all sources, provide appropriate sustainable drainage systems and provide rainwater harvesting where practicable. The second part of the policy relates to proposed development in flood attenuation areas.
- 7.84 The policy is based around wide-ranging supporting text. It comments about the serious flooding which took place in 1953, the development of flood defences and the town’s dated waste-water and sewage system. In this context the policy comments that development proposals will need to ensure that they minimise the potential for all types of flooding, including surface water.
- 7.85 In general terms, the policy takes an appropriate and non-prescriptive approach to this matter. Nevertheless, I recommend a modification to the first part of the policy so that the criteria would apply as relevant to the scale, nature and location of development within the neighbourhood area. As submitted, the policy would apply to all development proposals, most of which will be minor or domestic in nature and would not trigger the need for such an approach.
- 7.86 I also recommend detailed modifications to the wording of the second part of the policy so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development in the neighbourhood area.

Replace the opening component of the first part of the policy with: ‘As appropriate to their scale, nature and location development proposals should:’

Replace the second part of the policy with: ‘Development proposals in flood attenuation areas which would reduce the ability of the area concerned to alleviate flooding will not be supported’

Policy SWD15 - Loss of Community Facilities

- 7.87 This policy acknowledges the importance of community facilities to the well-being of the town. In this broader context it sets out to resist proposals which would involve the loss of community facilities. It applies a general definition of community facilities to mirror that in the adopted Local Plan.
- 7.88 I am satisfied that the policy is in general conformity with Policy WLP8.22 of the Waveney Local Plan and adds a specific local dimension to its contents. In general terms, the policy meets the basic conditions. Nevertheless, I recommend detailed modifications to its wording to ensure that it meets the basic conditions. In particular there is no need to identify the criteria in the policy as exceptional circumstances. They will arise as appropriate to the facility concerned and can be assessed by ESC on a case-by-case basis based on the evidence available.

Replace: ‘Neighbourhood Plan area will only be permitted in the following exceptional circumstances:’ with ‘neighbourhood area will only be supported where’.

Policy SWD16 - Development Sites

- 7.89 This is an important policy in the wider Plan. It has two parallel parts. The first provides an overall approach towards new development in the settlement boundary. The second identifies key sites.
- 7.90 The first part comments that proposals to redevelop sites within the settlement boundary of Southwold for a mix of uses will be supported where that mix includes one or more of the following uses:
- residential units that address local housing needs, in line with Policies SWD1-3 (Affordable Housing);
 - small-scale employment space, especially B1 business space suitable for solo working, micro and small businesses, and small-scale retail units; and
 - community space where there is a demonstrable need for such provision.
- 7.91 The second part of the policy identifies three key sites where development is anticipated to come forward in the Plan period. Other parts of the policy provide details about the work undertaken by Ingleton Wood which sets out design concepts for the development of each of the sites.
- 7.92 The policy is written in a robust and compelling fashion and is underpinned by the associated supporting text. The incorporation of the Ingleton Wood Design Framework work into the policy is best practice. This approach will supplement the wider approach on design in Policy SWD6.

7.93 I recommend detailed modification to the elements of the policy so that they have the clarity required by the NPPF as follows:

- Part A – the simplification of the policy wording;
- Part B – a reconfiguration of the wording used;
- Part C – to clarify the numbering of the sites and to require a positive design response to the Ingleton Wood Design Framework; and
- Part D – to bring clarity to the wording of the policy and to ensure that any works associated with development proposals are in relation to the mitigation of its effects rather than the provision of general infrastructure.

7.94 In coming to these judgements on the policy, I have taken account of the representation of the Police and Crime Commissioner for Suffolk on the future of the former Police Station site. In particular I have considered carefully the comments that ‘any significant capital receipt secured from the sale of the site will be reinvested to fund initiatives and projects to limit crime and anti-social behaviour and promote community safety. This will deliver strong community benefits and in revised emerging Neighbourhood Plan policy, such community benefit should be recognised as an important factor in assessing alternative use / housing re-provision on the police station site’. Plainly this will be a detailed matter for ESC to consider in its determination of planning applications which may come forward on the site within the Plan period. In any event part B of the policy addresses the overlapping issues of the viability of development on the three identified development sites and the need or otherwise for the uses listed in part A of the policy.

Replace the opening element of Part A of the policy with: ‘Proposals for the redevelopment of sites within the settlement boundary of Southwold will be supported where they incorporate a mix of uses includes one or more of the following uses’

Replace the opening element of Part B of the policy with: ‘In particular, some or all of the uses set out in Part A above should be incorporated within the development of the following sites (and as shown on Policies Map 15.2), unless such provision would make the development of the site unviable or there is a proven lack of need for the uses in Part A of the policy.’

In Part C of the policy replace ‘B i-iv’ with ‘B i-iii’

In Part D of the policy replace ‘Planning applications for development’ with ‘Development proposals’

In Part D of the policy replace ‘any infrastructure requirements’ with ‘any necessary mitigation works’

Non-Policy Actions

7.95 The Plan includes a series of Actions. They are non-land use issues which have naturally been developed as part of the plan-making process. They are captured in a separate part of the Plan as recommended by Planning Practice Guidance.

- 7.96 The Actions include diversifying the local economy, seeking to achieve a more balanced age profile, enhancing the built and natural environment enhancing its community assets and traffic/parking improvements.
- 7.97 I am satisfied that the various Actions are both appropriate and distinctive to the neighbourhood area. In some cases, they complement the land use policies.

Other matters - General

- 7.98 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for ESC and STC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters - Specific

- 7.99 ESC makes several detailed comments in its helpful representation on the Plan. I recommend modifications to address the matters raised as follows:

Populate the data/information in Figure 2.2

In paragraph 4.16 replace 'policies 8.22 and 8.12' with 'WLP8.22 and WLP8.12'.

In paragraph 4.17 replace 'WDP8.1.2' with 'WLP8.12'.

In the Glossary (Community Infrastructure Levy) replace the first sentence with: 'Some new development is potentially liable for the levy, which funds the building of infrastructure.'

In the Glossary (Local Plan) replace 'prepared by Waveney District Council' with 'prepared by the former Waveney District Council'. At the end of the Local Plan section add: 'The local planning authority is now East Suffolk Council'

- 7.100 In its response to the clarification note, STC resolved two matters in relation to Map 15.2 (its key and the identified settlement boundary). On the former point, STC identified the correct policy numbers. On the latter point, it clarified that the settlement boundary for Southwold in the submitted Plan should correspond to that in the adopted Local Plan. This has an impact in the areas around Millennium Field and along Ferry Road.
- 7.101 These updates are very helpful. I recommend accordingly.

On Map 15.2:

- *highlight Policies SWD10 and SWD 16 for the Employment Areas and Development Sites keys respectively; and*
- *identify the settlement boundary to correspond to that shown in the adopted Local Plan.*

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2039. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Southwold Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to East Suffolk Council that subject to the incorporation of the modifications set out in this report that the Southwold Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Waveney District Council on 19 May 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
20 October 2021