



The Planning Inspectorate

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# **Report to Waveney District Council**

**By Malcolm Rivett BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 1 March 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Waveney Local Plan**

The Plan was submitted for examination on 22 June 2018

The examination hearings were held between 9 and 31 October 2018

File Ref: PINS/T3535/429/8

## Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
DCLG	Department for Communities and Local Government (now MHCLG)
Doc	Document
dpa	dwelling per annum
dph	dwelling per hectare
ha	hectare
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively-assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SHELAA	Strategic Housing and Employment Land Availability Assessment
SHMA	Strategic Housing Market Assessment
sqm	square metre
UPC	Unattributable Population Change

## Non-Technical Summary

This report concludes that the Waveney Local Plan provides an appropriate basis for the planning of Waveney District, provided that a number of main modifications (MMs) are made to it. Waveney District Council has specifically requested that I recommend any MMs necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them where necessary. The MMs were also subject to public consultation. I have recommended their inclusion in the plan, including some amendments to their wording, after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deleting policy WLP1.2 so as to avoid any inconsistency with national policy;
- Making clear as approximate the number of dwellings identified in each of the housing site allocation policies;
- Making clear in policy WLP1.1 that any past shortfall in the delivery of housing will be addressed over the remainder of the plan period;
- Clarifying in policy WLP3.1 the role of the outline masterplan and the *Beccles and Worlingham Garden Neighbourhood Masterplan Report* and altering a number of the policy's criteria to reflect the relevant evidence;
- Ensuring that relevant infrastructure requirements are included in the site allocation policies; and
- A range of other alterations to the plan's policies and supporting text in order to ensure that the plan is positively-prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Waveney Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The *National Planning Policy Framework 2012* (paragraph 182) makes it clear that in order to be sound, a local plan should be positively-prepared, justified, effective and consistent with national policy. A revised *National Planning Policy Framework* (NPPF) was published in July 2018 and subsequently updated in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this plan, the policies in the 2012 NPPF will apply. Consequently, unless stated otherwise, references in this report are to the 2012 NPPF.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The *Waveney Local Plan (Final Draft Plan, March 2018)* submitted in June 2018 is the basis for my examination. It is the same document as was published for consultation in March 2018.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them where necessary. The MM schedule was subject to public consultation in accordance with the Council's *Statement of Community Involvement*. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of maps identified as *Waveney District Policies Map (Waveney Final Draft Local Plan, March 2018)* and *Inset Maps (March 2018)* for the following locations: Barnby and North Cove; Beccles and Worlingham; Blundeston; Brampton; Bungay; Central

Lowestoft; Halesworth and Holton; Homersfield; Ilkesthall St Lawrence/Spexhall; Kessingland; Lound; Lowestoft with Carlton Colville, Corton, Oulton and Oulton Broad; Mutford; Ringsfield; Rumburgh; Somerleyton; Southwold and Reydon; Wangford; Westhall; Willingham; Wissett; and Wrentham.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, there are some instances where the geographic illustration of policies on the submission policies map is not justified and further changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs in the *Schedule of Policies Map Changes* (December 2018).
7. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the maps listed in paragraph 5 above and the further changes published in the *Schedule of Policies Map Changes* (December 2018)

### **Assessment of Duty to Co-operate**

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation. The Council's *Duty to Co-operate Statement* (March 2018) credibly identifies housing, employment, coastal management, internationally protected habitats and infrastructure as the strategic issues of relevance to the duty and details the bodies with whom the Council has sought to co-operate. These include neighbouring planning authorities, Suffolk County Council and other organisations including the Marine Management Organisation and the Environment Agency. For each strategic issue the statement details the management/working relationships, the evidence base and the outcome of, and the arrangements for ongoing, co-operation.
9. Concerns raised about the Council's actions in respect of the Duty to Co-operate fundamentally relate to other aspects of the plan's legal compliance or to its soundness and are, thus, addressed elsewhere in this report. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

10. Taking account of all the duly made representations, the written evidence and the discussions that took place at the examination hearings I have identified 12 main issues upon which the soundness of the plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors which I have, nonetheless, considered also having regard to the Council's response to them set out in its hearing statements. In particular I am confident that many of the detailed concerns raised about the plan's allocations for development can be satisfactorily resolved through the planning application process.

**Issue 1 – is the plan's housing requirement figure based on robust evidence, positively-prepared and consistent with national policy?**

11. Policy WLP1.1 sets out a requirement for 8,223 new dwellings in the district during the 2014-2036 plan period, equating to 374 dwellings per annum (dpa). This figure is the same as the objectively-assessed need (OAN) for new housing identified in the *Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment* (SHMA) of May 2017.

*Housing Market Area*

12. The SHMA concludes that Waveney district alone could form a reasonable housing market area but points out that, with the addition of Great Yarmouth, a greater degree of containment, in terms of people moving homes, would be achieved. Waveney alone has a destination containment of 68.5% (Table 2.5 of the SHMA), which is slightly less than the 70% containment figure typically considered the desirable minimum for a housing market area. However, Table 2.6 identifies that the destination containment for Waveney and Great Yarmouth together would, based on nearly twice the number of home moves, have a destination containment figure of 74.4% - only 8.6% higher than that for Waveney alone. In essence this demonstrates that far more people move from Waveney and Great Yarmouth to destinations elsewhere in the country than move between the two districts.
13. With this in mind, and noting the SHMA's comment that the Waveney towns of Beccles, Bungay and Southwold are poorly-related in statistical and contextual terms with Great Yarmouth, I conclude that the plan's basis of Waveney district being a housing market area in its own right is justified.

*Population and Household Projections and Unattributable Population Change*

14. The SHMA's starting point for the assessment of housing need within the housing market area is the, then, most up-to-date Office of National Statistics' 2014-based population projections and the Department of Communities and Local Government's 2014-based household projections. On this basis there would be a requirement for 321 new dwellings per annum in Waveney during the plan period.
15. The SHMA also considers alternative projections prepared by CRG based on 5 year (2010-2015) and 14 year (2001 – 2015) periods, both with variants including and excluding unattributable population change (UPC). These projections vary from 357 dpa (5 year base including UPC) to 528 dpa (14 year base excluding UPC). The 14 year base includes several years of unusually high migration into the district following the accession of Eastern European countries into the European Union. At the present time it seems highly unlikely that this one-off event will be repeated in the future and, thus, the SHMA credibly argues that a 5 year based projection is the more appropriate for Waveney. On the 5 year based projection the inclusion or exclusion of UPC makes only a marginal difference to the housing need figure, but the SHMA appropriately concludes that the higher (excluding UPC) figure of 374 dpa is the one most aligned with positively-prepared planning.
16. Following the submission of the plan for examination the Office of National Statistics published updated 2016-based household projections, which were

discussed at the hearings. Doc H3 details that, on the 2016 base, there would be a marginally higher number of new households (11 households per year) in Waveney during the plan period. These projections are, therefore, not materially different from the earlier ones on which the plan is based and would not justify a modification to the plan.

### *Market Signals*

17. In line with the *Planning Practice Guidance* (PPG) the SHMA considers a range of market signals, for many of which Waveney performs better than the Suffolk and England averages. However, affordability is a notable exception with the ratio of lower quartile house prices to lower quartile resident earnings having been consistently higher than the England average since 2010. Indeed, the ratio figure for Waveney for 2015, of approximately 12.0, is around 20% higher than the England average, albeit that median house prices in Waveney are around only three-quarters of the England average.
18. The PPG states that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. It goes on to say that market signals are affected by a number of economic factors and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.
19. Consistent with this guidance it is appropriate to consider the market signals, and the need for any uplift in the housing need figure in Waveney, in the context of the balance between the demand for and supply of dwellings. Housing completions in the district were significantly below the 290 dpa housing requirement figure of the *Waveney Core Strategy* in each year from its adoption in 2008/09 to 2015/16, average delivery over this period being 195 dpa. However, the SHMA identifies that throughout this period the Council was able to demonstrate a five year supply of deliverable housing land. To my mind this is strong evidence that the affordability issues in the district have not been caused primarily by too low a housing requirement figure or a lack of supply of housing land. In this context the SHMA is therefore convincing in its conclusion that increasing the future supply of housing above the household projections based housing need figure of 374 dpa (which itself is nearly 30% higher than the *Core Strategy* housing requirement figure and nearly double actual housing delivery in the 2008/09 – 2015/16 period) would be unlikely to result in more than 374 dwellings being constructed and/or an improvement in affordability. That the SHMA's conclusion in this respect is an objective and robust one is emphasised by the fact that market signals uplifts are recommended in other authority areas covered by the document where a consistent five year supply of deliverable housing land has not existed in recent years. On this basis it is appropriate not to uplift the household projections-based housing need figure for Waveney to reflect market signals.
20. However, the past failure to deliver housing to meet the adopted plan requirement figure in the district emphasises the importance of ensuring that the housing sites allocated in the plan together provide an appropriate mix of

locations/sizes of sites which are deliverable within five years or developable during the plan period; these are matters considered elsewhere in this report.

#### *Alignment with Economic Forecasts*

21. The SHMA also assesses the number of new dwellings required to provide homes for the employees likely to be needed to fill the growth in jobs in Waveney forecast to occur during the plan period. Three economic scenarios are appraised: an *East of England Forecasting Model* based one (3,430 additional jobs) an Experian based one (4,109 additional jobs) and one based on growth in Offshore Wind industries (5,100 additional jobs). For each scenario it is identified that across the plan period as a whole 374 new dwellings per annum would be sufficient to provide homes for the projected number of additional workers in the district.
22. The analyses use Experian's own locally-specific variables, including economic activity rates, which are forecast to vary from year to year in line with the demand for workers. Such an approach is more realistic than simply assuming that the relevant variables will remain unchanged for the next 18 years, although from the SHMA itself it is not possible to identify precisely how the level of each variable has been 'calculated'. However, the assumed rates for each variable for each year of the plan period (from 2016 onwards) are clearly set out in the SHMA's appendices (Appendix I for the Council's preferred, and most optimistic in terms of jobs growth, scenario).
23. The assumed increase in economic activity, particularly amongst the over 65s, is, to my mind, realistic, bearing in mind the ongoing increases in state pension age. Unemployment is shown to vary marginally across the plan period but is, credibly, not assumed to fall below 4.5% which was the actual rate in 2016. Moreover, should there be any unanticipated 'spikes' in unemployment in Waveney during the period to 2036, it is likely that these would be reflective of the national economic situation at the time; it is highly unlikely that high rates of unemployment in the district would be experienced at the same time as significant increases in the number of jobs available in Waveney. The level of commuting into and out of the district is also forecast to vary marginally around the observed 2016 rate. However, it is of note that the analysis assumes that at the end of the plan period more people will be commuting out of the district, in comparison with those commuting into it, than is the case now. The housing requirement figure would, therefore, not result in increased and unsustainable commuting into Waveney from surrounding districts.
24. In the light of the above the SHMA is justified in concluding that no uplift in housing provision is needed to align with economic forecasts.

#### *Requirement for Affordable Homes*

25. The SHMA identifies that on average there is a requirement for 208 affordable homes per year during the plan period. On the basis of policy WLP8.1's requirement for between 20% and 40% of new dwellings to be affordable (considered in detail in Issue 8) it is unlikely that 208 affordable dwellings per year will be delivered on the basis of an overall housing requirement figure of 374dpa. However, for the same reasons detailed above in respect of a market signals uplift, it is unlikely that increasing the housing need figure above that

derived from the household projections would result in more dwellings being constructed overall and, thus, more affordable homes being provided.

### *Conclusion on OAN and the Housing Requirement Figure*

26. Determining future housing needs is not an exact science. However, for the reasons set out above I conclude that the 374dpa objectively-assessed need for housing in Waveney set out in the SHMA has been robustly formulated. Moreover, that the housing need figure for the district calculated using the standard method detailed in the 2019 NPPF (and revised PPG) is, a similar, 350 dpa, strengthens the case for concluding that 374dpa (8,223 dwellings for the plan period) is credible as the objectively-assessed need for new housing in the district.
27. As detailed elsewhere in this report there are not constraints in the district which would mean that the objectively-assessed need for new housing of 8,223 new homes for the plan period cannot be appropriately provided for in the plan. Consequently, the plan's housing requirement figure of 8,223 new dwellings is based on robust evidence, is positively-prepared and is consistent with national policy.

### **Issue 2 – are the plan's requirements for employment land and retail floorspace based on robust evidence, positively-prepared and consistent with national policy?**

#### *Employment Land*

28. Policy WLP1.1 indicates that the plan will make provision for 43ha of employment land for B1/B2/B8 uses. The *Employment Land Needs Assessment Update* (2017) concludes that, based on future projections of employment growth in the district, including in the offshore wind sectors, and an analysis of take-up of employment land since 2001 (a period in which there was no overall growth in the number of jobs in the district) 43ha represents the requirement for land for new employment development during the plan period. In principle such an approach to determining employment land needs is consistent with the *Planning Practice Guidance*.
29. Around three-quarters of the total 43ha requirement figure is derived from the analysis of past trends in the take-up of employment land. However, the simplest extrapolation of the past trend, which would imply a plan period employment land requirement of nearly 78ha, has been considerably reduced to sensibly reflect actual employment floorspace constructed and an average floorspace/land-take plot ratio. Of course, there is no guarantee that the trend in employment land take-up of the past 15 years will continue throughout the period to 2036 and a number of detailed criticisms have been made of the approach used in deriving future land requirement projections from past trends.
30. However, as is with housing needs, forecasting future employment land requirements is not an exact science and for every detailed forecasting assumption which implies a lower need there is an equally reasonable assumption which implies a higher need.

31. Crucially, the future requirement figure is based on the robust evidence that around 53ha of new employment land were developed in the 15 years from 2001 during which time there was no overall growth in the number of jobs in the district. In this context, and bearing in mind the realistic forecast that there will be growth in the number of jobs in Waveney during the plan period, I conclude that the 43ha additional employment land requirement detailed in policy WLP1.1 is positively-prepared and robust.
32. The supply of employment land during the plan period varies according to the method of calculation but, as a minimum, the plan provides for around 25% more land, during the 2014-2036 period, than the 43ha requirement. A level of 'over-allocation' is appropriate to provide flexibility to meet the specific needs of individual employers and in case some sites do not come forward as or when envisaged. As detailed in Issue 7 the plan also provides for an 'over-allocation' of housing land of around 12%. However, whilst the likely growth in the number of jobs in the district is a factor in determining housing needs, it is not necessary for the soundness of the plan for the 'over-allocations' in land for housing and employment to be identical.
33. Should, over time, growth in the demand for employees in Waveney result in a significant imbalance with the availability of land for new housing, this is a matter appropriately considered through a review (and if necessary update) of the plan. Nonetheless, in Issues 4-6 below, I consider the soundness of the policies allocating sites for employment development in the context of this 'excess' provision.

#### *Retail Floorspace Needs*

34. Policy WLP1.1 also indicates that provision will be made for 2,200 sqm of convenience retail floorspace and 11,000 sqm of comparison retail floorspace. These figures are evidenced in the *Waveney Retail and Leisure Needs Assessment (2016)*, utilising the CJ CREAT Capacity Model; they have not been challenged to any significant degree and I conclude they are robust and positively-prepared.
35. In conclusion, the plan's requirements for employment land and retail floorspace are based on robust evidence and are positively-prepared and consistent with national policy.

### **Issue 3 – are the spatial distribution of new development set out in the plan, the settlement boundaries and the arrangements for Neighbourhood Plans justified; and have the sites allocated for development been selected using a robust and objective process?**

#### *Spatial Distribution of New Development*

36. In addition to detailing the overall requirements for new housing, employment land and retail floorspace, policy WLP1.1 sets out the proposed distribution of this development across each of the main settlements and rural areas of the district. At the hearings the Council explained that the policy's seemingly precise (eg 56%) percentage figures for housing distribution are derived from an initial broader view on the appropriate distribution of housing across the district, with the precise figures in the policy reflecting the number of dwellings envisaged will be provided on the sites which the Council deemed suitable for

allocation in the plan in each settlement and area having regard to the broad distribution. Bearing this in mind, the policy appropriately makes clear that the figures are to be treated as approximate. Whilst there could be some advantages in rounding the figures (eg 55% instead of 56%) this would have the potential to inappropriately skew housing provision in the settlements in which only a small proportion (less than 10%) of the overall housing provision is proposed to take place.

37. Through Sustainability Appraisal (SA) four alternative options for the distribution of housing growth were appraised, across which the likely impacts of different levels of housing growth in the district's settlements and rural areas were assessed. For the reasons detailed below the SA's conclusion that the broad distribution of housing development set out in the plan is the most appropriate one is reasonable and credible.
38. Lowestoft is, by far, the largest settlement in the district (around 62% of Waveney's total population) with the greatest availability of jobs, services and public transport provision. The plan's intention that 56% of new housing growth should be in the Lowestoft area appropriately reflects the NPPF's core planning principle of actively managing patterns of growth to make fullest possible use of modes of transport other than the private car and focussing significant development in locations which are, or can be made, sustainable. It also appropriately provides for the allocation for housing, and thus the regeneration of, the district's largest areas of previously-developed land, consistent with another of the NPPF's core planning principles. Whilst there are more environmental constraints to development in parts of the Lowestoft area than in some other areas of the district, the evidence credibly demonstrates that these constraints can be overcome/mitigated.
39. The 56% figure equates to an average of 236dpa during the plan period. This is very similar to the 215 dpa actually delivered in the Lowestoft area in the 1991-2011 period, indicating that it is likely to be deliverable. However, given that viability of housing in the Lowestoft area is generally lower than elsewhere in the district, allocating significantly more than 56% of all of the district's housing to Lowestoft would risk its effective delivery.
40. As the district's second largest built-up area, with a good range of facilities, it is appropriate that the plan provides for the second largest amount of housing (approximately 16%) in Beccles and Worlingham. However, providing an even greater proportion of all housing in these settlements could undermine the role and regeneration of Lowestoft as the largest town in the district and/or appropriate levels of housing growth being directed to support Waveney's smaller towns and villages. Moreover, it would risk inappropriately increasing commuting distances given that only 47% of Beccles/Worlingham residents work in these settlements in comparison with the 61% of Lowestoft area residents who work in Lowestoft (2011 Census).
41. The approximate proportion of all housing to be directed to Halesworth (8%), Bungay (6%) and Southwold and Reydon (4%) are appropriate to their current sizes and roles and sensibly reflect a range of other specific factors. These include (i) the need to support Halesworth town centre whilst recognising that the town is without a secondary school; (ii) Bungay's secondary school provision but the constraints to development posed by the

River Waveney and the Broads; and (iii) the need to address the lack of affordable housing in Southwold and Reydon whilst protecting the Suffolk Coast and Heaths Area of Outstanding Natural Beauty within which these settlements lie.

42. The 10% of all housing to be directed to rural areas is higher than in previous plans in the district, but reflects the NPPF core planning principle of supporting thriving rural communities. As average household size reduces providing for more houses in rural settlements can help to sustain their existing facilities such as schools and pubs. An earlier version of the plan proposed 12% of new housing in the rural areas, reflecting a number of specific sites to be allocated in the plan which have now been deemed to be unsuitable. However, there is no convincing evidence to demonstrate that allocating 12%, as opposed to 10%, of all housing to rural areas is necessary for the plan to be sound.
43. Policy WLP7.1 identifies that of the 10% of all housing to be located in the district's rural areas approximately 70% will be in six larger villages, approximately 20% in ten smaller villages and around 10% elsewhere. This distribution appropriately supports the objective of directing development towards the most sustainable locations.
44. In the light of the above I conclude that the broad distribution of new housing development set out in policies WLP1.1 and WLP7.1 is sound. However, whilst these policies have informed (and reflect) the sites for housing allocated in the plan and are stated to be considerations for Neighbourhood Plans seeking to provide for additional housing, it is not clear how the policies would apply to windfall housing developments. In the interests of the plan's effectiveness **MM2** is necessary to address this.
45. Reflecting Lowestoft's and Beccles' roles as the district's largest towns and centres of employment, retail and leisure facilities, policy WLP1.1 appropriately identifies that 60% of new employment land development and 60-70% of retail/leisure development will be directed to the Lowestoft Area whilst 25% of employment land and 15% of retail/leisure development will be directed to Beccles. That the proportion of new employment land at Beccles is markedly higher than the around 16% of all new housing directed to Beccles/Worlingham is justified in support of attempts to reduce the high level (in comparison with the Lowestoft area) of out-commuting from these settlements.

#### *Site Selection Process*

46. I consider the merits of the specific sites allocated for housing and employment development in the plan in Issues 4-6 below, but testing whether or not these sites have been selected, against possible alternatives, using a robust and objective process is an important element of my assessment of the plan's soundness.
47. The *Strategic Housing and Economic Land Availability Assessment* (SHELAA) of March 2018 assesses all known sites suggested or proposed for housing or economic development in terms of suitability, availability, achievability and the potential for any constraints in these particular regards to be overcome. The sites assessed were based on a 'call for sites' in 2015 and the Council's knowledge of other possible development opportunities. The approach adopted

by the assessment is thorough, has been undertaken to an appropriate level of detail to inform the preparation of a local plan and is consistent with the *Planning Practice Guidance* on Housing and Economic Land Availability Assessment. All the sites assessed in the SHELAA have also been considered through Sustainability Appraisal (pages 700 - 1143 of doc A2) and pages 140 - 191 of doc A2 explain, comprehensively on a site-by-site basis, why the sites allocated in the plan were selected and the others discounted. Indeed, in assessing through Sustainability Appraisal sites which the SHELAA identified to be unsuitable, unavailable and/or unachievable, the Council has applied a 'belt and braces' approach to its site selection process which further strengthens its robustness and objectivity.

48. I recognise that not everyone agrees with the conclusions of these assessments on a number of specific sites. However, this is almost inevitable given that many aspects of the assessments involve planning judgements. Importantly, it appears to me that the judgements made are within the bounds of reasonableness. It is always the case that assessments of this type could be based on a greater level of detail. However, to my mind, the SHELAA and SA are proportionate to the preparation of a local plan. The assessments only considered sites above 0.25 ha (other than for existing commitments) which is appropriate in view of the desirability of the plan not allocating an unmanageably large number of very small sites, many of which could in any case come forward as windfall developments in line with the plan's policies.
49. Informed by these assessments and discussions with site promoters/developers, the plan's housing site allocation policies detail the number of dwellings envisaged for each site. However, the numbers are precise ones and this lacks necessary flexibility when a somewhat higher or lower number of dwellings may be justified on the more detailed evidence submitted as part of planning applications. Consequently, for the plan to be justified and effective, **MM5** is required to make clear that the indicated numbers of dwellings on each site allocation are approximate. Identifying the number of dwellings as either maximums or minimums would be inappropriately inflexible.
50. The plan's housing allocation sites range in size from around six dwellings to approximately 1380. More than half the allocations are for around 50 dwellings or less and only three are for more than 1,000 homes. This mix of site sizes is an appropriate one; having more larger sites would be likely to unnecessarily delay delivery of new housing; allocating more smaller sites would make difficult securing the infrastructure necessary to support the overall amount of new housing proposed in the plan.

### *Settlement Boundaries*

51. Settlement boundaries are defined on the policies map and Policy WLP1.3 (to be renumbered WLP1.2) identifies that most new development will not be permitted outside these boundaries - ie land which is considered to be countryside. Whilst national policy does not specifically refer to settlement boundaries, policy WLP1.3 is consistent with the NPPF's core planning principle of recognising the intrinsic character and beauty of the countryside and its statement in paragraph 154 that plans should include clear policies on what will or will not be permitted and where. As detailed elsewhere in this report

there is not a need to identify more land for development than is already proposed in the plan, nor to alter the settlement boundaries shown on the policies map to achieve this.

52. However, the wording of policy WLP1.2 (Presumption in Favour of Sustainable Development) is, without persuasive justification, materially inconsistent with the presumption in favour of sustainable development in the NPPF (and with that detailed in the 2019 NPPF). To address this inconsistency, and since there would be little point in the plan including a policy which simply repeats the NPPF, **MM4** is necessary, which deletes policy WLP1.2.

### *Neighbourhood Plans*

53. Consistent with paragraphs 183-185 of the NPPF, the plan seeks to devolve a considerable amount of decision making on its implementation to Neighbourhood Plans and in this regard a number of the policies specifically identify decisions which Neighbourhood Plans are empowered to make. With this in mind it is appropriate that the Introduction to the plan makes clear that all of its policies are strategic ones; to do otherwise would run the risk that objectively-identified development needs are not met or that non plan-led development would need to be approved. However, in the interests of the plan's effectiveness and to ensure consistency with the relevant legislation, **MM1** is needed to make clear that Neighbourhood Plans should be in general conformity with the local plan's policies.

### *Conclusion*

54. In conclusion, subject to the above-mentioned modifications, the spatial distribution of new development set out in the plan, the settlement boundaries and the arrangements for Neighbourhood Plans are justified and the sites allocated for development have been selected using a robust and objective process.

### **Issue 4 – is the plan's strategy for Lowestoft justified, effective and consistent with national policy?**

55. Policy WLP2.1 sets out a positively-prepared overarching approach to regeneration of Central and Coastal Lowestoft, setting the context for other policies relating to specific sites and locations in these areas. In addition to the partner organisation listed in the policy, with whom the Council will work in delivering regeneration, reference also needs to be made to the Broads Authority, in the interests of the plan's effectiveness. **MM6** is consequently necessary in this regard.
56. Policy WLP2.2 (Power Park) allocates around 23ha of land within and around the Port of Lowestoft for continued employment and port related development. In principle it is soundly-based although **MM7** is necessary for the policy to be justified to make clear that appearance and access improvements will be implemented where practicable and to require that new development adjacent to Power Park does not conflict with, or place unreasonable restrictions on, the operations of the port or other businesses.
57. Peto Square (Policy WLP2.3) is a key gateway to the town centre and, close to the station, is appropriately allocated for a mixed-use development including

retail to contribute towards meeting the identified need for such development in a sustainable location. However, a small part of the site as indicated on the submitted policies map is unlikely to be available for development. In order that the policy is justified **MM8** is necessary to reflect the reduced-size site. A consequent change to the policies map is also necessary. Given the site's proximity to the port, **MM9** is also needed for the plan to be justified and effective; this makes clear that development should not place unreasonable restrictions on the operations of the port.

58. Kirkley Waterfront and Sustainable Urban Neighbourhood (Policy WLP2.4) provides for the continuing regeneration of a significant swathe of previously-developed, and in some parts derelict, land to the south of Lake Lothing. The Neighbourhood will provide a mix of uses including housing, education, sports and marina facilities, a local retail centre and employment development. However, as submitted, the plan underplays the potentially transformational effect of this development. To address this, and therefore for the plan to be positively-prepared, **MM10** is necessary. Furthermore, given its proximity to the port, **MM11** is also needed for the plan to be justified and effective; this makes clear that development of the Neighbourhood should not place unreasonable restrictions on the operations of the port.
59. In purely numerical terms the policy's requirement for 7.5 ha of employment development is not necessary to ensure that the identified need for 43ha of employment land across the district is met. However, the ex Jeld-Wen factory part of this site is unusual in providing the opportunity for the development of industry benefitting from or requiring a quayside and vessel mooring facility. Such facilities are a limited resource and I concur with the findings of the *An Assessment of Land Requirements to Support Offshore Engineering in Waveney* report that, as a result of the quayside, this would be a desirable site for offshore wind, renewable, oil and gas and wider offshore engineering sector businesses. These are sectors in which significant growth in Waveney is envisaged and which the plan seeks to promote. The current condition of the quayside, and thus the extent of any necessary repair/reconstruction work and associated dredging, is unknown. However, part of it was used for an offshore skid frame assembly and a load-out operation in 2014 and the rest is reported to have been used within the last 10 years. In this context it appears to me likely that it could be viably used again in the period to 2036. Whilst there is not specific evidence to support the exact 7.5ha requirement, such an area is broadly reasonable bearing in mind the length of the quayside. Moreover, given the overall size of the allocation, it is reasonable to assume that the type of employment development envisaged would not be incompatible with the other uses proposed for this allocation.
60. Consequently, and notwithstanding the 'over-allocation' of employment land across the district, this policy's employment land requirements are, in principle, sound. Nonetheless, for the policy to be fully justified and effective, **MM12** is needed to make clear that the 7.5ha requirement is an approximate one, that B1, B2 or B8 development should provide sufficient and appropriate space to meet identified needs and demand and that port related development should front Lake Lothing.
61. To ensure that policy WLP2.4 accurately reflects what is proposed for the site, and is thus justified and effective, **MM12** also adds the requirement that

development should facilitate the provision of a pedestrian bridge across Lake Lothing. Additionally, it provides for development as part of or ancillary to the Lake Lothing Third Crossing project as an exception to the protection of land for B1, B2 and B8 uses on Riverside Road, Lowestoft Enterprise Park and Quayside Business Centre. Finally, in the light of the most recent evidence, and for the policy to be justified and effective, **MM12** is needed to require provision of a larger (2 form) primary school, a 'pre-school setting' and for the preparation of a ground contamination investigation report.

62. Policy WLP2.5 is a positively-prepared one allocating land for the East of England Park with the aim of revitalising existing public areas and celebrating the UK's most easterly point.
63. Policy WLP2.6 allocates land at the Western End of Lake Lothing for housing, tourism and marine-focused employment. Consistent with MM10, and to ensure the plan is positively-prepared, modification of the supporting text is necessary (**MM13**) to explain the allocation's relationship with the neighbouring Kirkley Waterfront and Sustainable Urban Neighbourhood. Moreover, to ensure that the policy is effective in terms of possible contamination, **MM14** is necessary requiring the preparation of a ground contamination investigation report as part of any planning application for the site.
64. In terms of its regeneration potential and the opportunity it provides for the objectively-assessed need for town centre uses to be met, policy WLP2.7 (Former Battery Green Car Park) is a positively-prepared one. Nonetheless, for the policy to be justified and effective **MM15** is needed (slightly altered from that consulted on to correct a place name error), requiring that development does not place unreasonable restrictions on the operations of the port or existing businesses within nearby PowerPark.
65. The allocation for housing, including accommodation with an element of care, of the Former Lowestoft Hospital (policy WLP2.8) also has significant regeneration potential. However, in view of the non-designated heritage asset status of parts of the complex, **MM16** is necessary requiring it to be developed to a high quality design. Based on the discussion at the hearings it is, to my mind, unlikely, although not completely impossible, that housing will be completed on this allocation within the next five years. However, this does not in itself render the allocation unsound and the evidence indicates that it is developable during the plan period. I address the implications of this for the supply of housing in the district in Issue 7.
66. Policy WLP2.9 sets out a positively-prepared approach to the regeneration, conservation and enhancement of the Historic High Street and Scores Area. A design guide is to be prepared to aid implementation of the policy and, for the policy to be effective, **MM17** is necessary to make clear that this will be as part of a Neighbourhood Plan or as a Supplementary Planning Document. The policy appropriately requires development to be of "exceptional design", although it is not feasible, or indeed necessary for soundness, to meaningfully define this in the plan. The policy's provisions concerning permitted changes of use are somewhat confusing, given that part of the High Street lies within Lowestoft Town centre, part of it is designated as secondary shopping frontage and part of it has no retail designation. In terms of the secondary shopping

frontage the provisions are, without persuasive justification, more restrictive than is the case for secondary frontages elsewhere in the district. The element of **MM17** which deletes these provisions is therefore necessary for the policy to be justified and effective.

67. The policies map defines the Inner Harbour Port Area and, given the importance of the port to the district, policy WLP2.10 appropriately seeks to protect it for port and associated uses. However, to ensure effectiveness in this regard, **MM18** is needed to require that development in close proximity to this area does not result in unreasonable restrictions being placed on the port or existing businesses in the area. Also for effectiveness, this modification sets out that redevelopment required to deliver the Lake Lothing Third Crossing, in the form approved by a development consent order, is exempt from the policy's change of use restrictions. However, given that the third crossing is the subject of a current application for a development consent order, it would not be appropriate for the wording of this policy to seek to control or restrict this project. Moreover, to be sound, the policy does not need to refer to land ownership nor specifically identify the offshore energy sector. This sector falls within the ambit of port and associated uses protected/promoted by the policy and, in any case, is specifically mentioned in the policy's supporting text.
68. Finally, within the context of the plan (as proposed to be modified) requiring that neighbouring development should not place unreasonable restrictions on the operation of the port, it is justified for policy WLP2.10 to require that technology, equipment and business practices are utilised by new development in the Inner Harbour Port Area to minimise noise and amenity issues. A "where appropriate and practicable" rider is not necessary in this regard, given that the minimisation, rather than complete exclusion, of harmful effects is all that is required by the policy.
69. Policies WLP2.11 and WLP2.12 set out positively-prepared approaches to ensure the ongoing vitality and viability of the Oulton Broad and Kirkley District Shopping Centres. However, as submitted for examination the policies are contradictory about changes of use from classes A1 and A2 to class A3. **MM19** and **MM20**, which address this, are therefore necessary to ensure the plan's effectiveness.
70. Consistent with national policy, the plan has sought to maximise use for housing of previously-developed land in the district, most particularly in the Lowestoft Area. However, the relatively limited availability of such land means that the plan also allocates for housing areas of greenfield land on the edge of the built-up area of Lowestoft. The development of greenfield land is regrettable on a number of counts, including in terms of landscape impact and the loss of agricultural land. However, in principle, the development of such land in Waveney is justified given that it is necessary to ensure that the objectively-assessed need for new housing is met in line with national policy.
71. The North of Lowestoft Garden Village (policy WLP2.13) provides for around 1,300 new dwellings, a retirement community, employment development, a primary school and other community facilities. The allocation accords with the NPPF (paragraph 52) advice that new homes can sometimes be best achieved through larger scale extensions to existing towns that follow the principles of Garden Cities. The employment development element of the allocation,

although not strictly necessary to meet district-wide employment land needs, is justified on the basis of planning for a community where people would have the opportunity to both live and work. As such, the allocation, to be shaped by a masterplan, is in principle soundly-based and it is likely that the many detailed concerns raised about the proposed development can be satisfactorily addressed at the planning application stage.

72. However, to ensure that the policy is justified and effective, **MM22** is necessary to clarify the space required for education facilities and the means by which infrastructure will be secured and to require that the separate identity of nearby Corton is maintained; the latter is feasible given the undeveloped land which will remain between Corton and this development. At this stage there is insufficiently detailed evidence to demonstrate whether or not access to early phases of the garden village could be satisfactorily provided from Corton Long Lane. Consequently, for the allocation to be justified, **MM21** is necessary to make clear that this 'may', rather than 'will', be possible. The nearby presence of the sewage treatment works does not render the allocation unsound, given its similar proximity to existing housing and there being no persuasive evidence that it causes a significant problem.
73. Gunton Park, off Old Lane, Corton is allocated by policy WLP2.20 for approximately 65 dwellings. The site is currently occupied by a sports club/pitches and the policy rightly requires delivery of a replacement for these before development commences. Based on the discussion at the hearings it is likely that the provision of the replacement facilities is feasible within the foreseeable future. Vehicular access would be via Old Lane and Corton Long Lane and although the development would be likely to significantly increase the volume of traffic on the former, it is, to my mind, unlikely that severe traffic problems would result on either road. Improvement to the access to the site from Old Lane is, appropriately, required by the policy and it appears to me likely that this is feasible. The allocation is, therefore, in principle sound, although in the interests of clarity, and thus effectiveness, **MM29** is required to make clear that replacement facilities should include cricket pitches as well as rugby playing pitches.
74. Bearing in mind the prerequisite delivery of replacement sports facilities, the Council's envisaged trajectory for the completion of houses on this allocation is an optimistic one, albeit not completely unrealistic. However, this does not make the allocation itself unsound and I consider in Issue 7 the implications of this for housing supply in the district.
75. Policies WLP2.14 and WLP2.15 allocate sites for residential development to the North of Union Lane and between Hall Lane and Union Lane at Oulton. The allocations are, in principle, soundly-based and, in particular, the boundary of the latter site (reduced from that included in an earlier version of the plan) is justified in order to minimise impacts on the setting of the nearby Grade II\* listed manor house. Assessing such impacts inevitably involves a considerable degree of planning judgement and it is not impossible that development of this land could be deemed to be acceptable. However, when sufficient alternative sites are available which do not give rise to the same degree of concern about heritage impact, the plan is justified in not allocating this particular piece of land for development. Notwithstanding this, and to ensure the protection of heritage assets in line with national policy, **MM25** is needed to require a

heritage impact assessment to be submitted as part of any planning application for the WLP2.15 site as allocated in the plan and to require that development is designed to avoid harm in this respect.

76. Moreover, notwithstanding the various concerns raised, there is not at this point detailed evidence to demonstrate that any form of vehicular access from Union Lane to site WLP2.15 is definitively inappropriate. Thus, for the policy and its supporting text to be justified, **MM24** and **MM25** are also necessary to indicate that this may be possible as a secondary vehicular access subject the demonstration that it is safe and suitable. Nevertheless, the current uncertainty over vehicular use of it aside, based on my visits to the area I am satisfied that cycle and pedestrian use of Union Lane in connection with these two sites would be unlikely to cause any unacceptable impacts. The policies' requirements concerning ecological, archaeological and transport assessments are justified, notwithstanding their inclusion on the Council's planning application validation checklist, given that the adopted local plan informs the validation checklist's requirements.
77. Suffolk County Council's evidence indicates that the development of these two sites is likely to generate the requirement for a new 'pre-school setting'. The preference is for this to be located at an existing primary school or close to other community facilities in the area. However, should no alternative site be available and the need be shown to still exist at the time of planning applications for these allocations, it will be necessary for land to be reserved on the sites themselves for a 'pre-school setting'. **MM23** and **MM25** include this provision, which is consequently needed for the plan to be positively-prepared and justified, with respect to the infrastructure necessary to support housing development.
78. These modifications identify that the necessary land would be secured through the payment in kind provisions of the Community Infrastructure Levy Regulations; the 'settings' themselves would be funded by Community Infrastructure Levy receipts. This accords with the Council's general approach that infrastructure necessary to meet the needs of more than one housing allocation will be secured through the Community Infrastructure Levy. It is possible that, in certain circumstances, s106 agreements would provide a more certain route to securing the 'pre-school setting' needed in respect of these (and some other) allocations. However, having regard to the *Whole Plan Viability Assessment*, such an approach would risk making these developments unviable, unless the Council's proposed Community Infrastructure Levy Schedule were to be adjusted, and inevitably and undesirably made more complicated, to reflect this.
79. The Council's assumption of the number of dwellings which will be completed on these sites (which have yet to secure planning permission) in the next five years is, in my view, a very optimistic one, although not completely unrealistic. Nonetheless, this does not mean that the allocations themselves, which are certainly developable during the plan period, are unsound and I consider the implications of this conclusion for the supply of housing in the district in Issue 7.
80. Land to the south of The Street at Carlton Colville/Gisleham is allocated by policy WLP2.16 for a mixed-use development comprising around 900

dwellings, a retirement community, a primary school and other local facilities. Inevitably this would lead to a significant increase in traffic on the roads in the vicinity, which many consider to be undesirable. However, having noted the existing traffic conditions in the area, particularly along The Street, and bearing in mind the Highway Authority's and site promoter's initial assessments of the likely traffic impact and the potential for mitigation measures (including to address any highway flooding problems), it is unlikely that unacceptable transport effects would result. Based on what I have read, heard and seen it is likely that other concerns about the allocation, including in respect of heritage, trees, hedges and flooding, could be satisfactorily addressed through the planning application process.

81. Reducing the size of this allocation and additionally allocating other sites for housing in the area could potentially increase the speed at which new dwellings are built. However, such an approach would be likely to undesirably reduce the benefits of scale of the WLP2.16 site in terms of the ability to secure new infrastructure and for it to be located in close proximity to the new housing. As detailed in Issue 3 the approach by which the WLP2.16 site has been selected, in preference to other options in the area, was a thorough one with reasonable conclusions.
82. In principle, therefore, this allocation is sound, although for the policy to be effective and justified in the light of up-to-date evidence, **MM26** is necessary. This modification includes the requirement for a 'pre-school setting', a heritage impact assessment and for an assessment of the suitability for extraction of aggregates on the site. In terms of infrastructure provision this modification also ensures consistency with Appendix 1 of the plan. The policy's requirements concerning ecological, archaeological and transport assessments are justified, notwithstanding their inclusion on the Council's planning application validation checklist, given that the adopted local plan informs the validation checklist's requirements.
83. Policies WLP2.17 and WLP2.18 allocate land at South Lowestoft Industrial Estate and at Mobbs Way, Oulton for B1, B2 and B8 employment development and both sites would effectively be extensions of existing employment areas. Notwithstanding the 'over-allocation' of employment land across the district as a whole (see Issue 2) there is nothing to suggest that these allocations are not justified or, otherwise, in principle sound. However, in the interests of clarity and thus effectiveness, **MM27** is required to make clear that vehicular access to the land at South Lowestoft Industrial Estate site should only be from Hadenham Road and/or Tower Road.
84. Policy WLP2.19 is a positively-prepared one allocating land at Oakes Farm, Beccles Road, Carlton Colville for sports and leisure uses in order to meet the needs of existing residents and the planned expansion of housing in the area. However, to be justified in the light of the most up-to-date evidence, **MM28** is necessary to require the protection of the clean water pipe serving the wider Lowestoft area and to provide more flexibility in terms of the size/location of complementary commercial development.
85. In conclusion, and subject to the above-mentioned modifications, the plan's strategy for Lowestoft is justified, effective and consistent with national policy.

**Issue 5 – are the plan's strategies for (i) Beccles and Worlingham, (ii) Halesworth and Holton, (iii) Bungay and (iv) Southwold and Reydon justified, effective and consistent with national policy?**

*Strategy for Beccles and Worlingham*

86. Policy WLP3.1 allocates almost 90 ha of land to the south of the existing built-up area of Beccles and Worlingham for the Beccles and Worlingham Garden Neighbourhood – a comprehensive, mixed-use development proposed to comprise around 1,250 new dwellings, a retirement community, employment development, a new primary school, a country park and sports and community facilities. The neighbourhood would provide for the majority of the 16% of the district's new housing which policy WLP1.1 justifiably identifies should be located in Beccles and Worlingham (see Issue 3 above). In principle it also accords with the NPPF's guidance (paragraph 52) that the supply of new homes can sometimes be best achieved through larger scale development such as extensions to existing towns that follow the principles of Garden Cities. I also envisage it likely that the Garden Neighbourhood could be developed without causing significant harm to the charm and character of Beccles as a whole.
87. It is inevitable that the new housing would give rise to an increase in traffic in the surrounding area, although the policy justifiably requires that traffic, other than from the employment area, would be directed on to the newly-constructed Southern Relief Road to minimise adverse impacts on the existing residential streets to the north of the allocation. However, the numerous pedestrian and cycle links which are required to be provided to the north, will ensure that the development is not divorced from the existing built-up area. An increase in traffic in Beccles town centre would be likely, although there is no detailed and convincing evidence to indicate that severe or unacceptable impacts would result. Impacts on other infrastructure and services have also been carefully assessed and, bearing in mind the mitigation measures required to be provided as part of the development itself, significant harm in this respect would be unlikely. The desire for the provision of a health centre as part of the new neighbourhood is understandable, although including a requirement for this in policy WLP3.1 would not be sound when the relevant providers are of the view that expansion of the existing centre in Beccles is the preferred option.
88. It is feasible that significantly more than 1,250 dwellings could be accommodated on the site, although these are not necessary to meet district-wide housing needs and would be likely to undesirably alter the soundly-based distribution of housing development across the district set out in policy WLP1.1. More housing would also inevitably reduce the amount of land available for other uses with the potential to undermine the garden neighbourhood led approach to the development. As detailed in Issue 2, the 5 ha of employment land envisaged for the neighbourhood is not necessary in purely numerical terms to meet the identified need for such land across the district, nor, indeed, the 25% of it proposed for Beccles itself, bearing in mind the policy WLP3.3 employment land allocation detailed below. However, the provision of a significant element of employment development is justified as an integral part of creating a sustainable neighbourhood in which people have the opportunity to both work and live, particularly in view of the current high

level of out-commuting from Beccles. The site as a whole is large enough to ensure that it is likely that B1, B2 and B8 uses could be located and designed so as not to be incompatible with residential properties.

89. The Council commissioned a Masterplan Report, prepared in consultation with the local community, to guide the development of the neighbourhood, within which is an outline masterplan diagram showing the broad distribution of uses across the site. The outline masterplan diagram is included as part of the plan itself and policy WLP3.1 requires that a detailed masterplan, based on the outline masterplan, is submitted as part of any planning application. Notwithstanding that it forms part of the local plan, the outline masterplan is, appropriately, indicative and I am satisfied that the local community's detailed concerns about it, and the proposed development more generally, (maintaining the distinction between Beccles and Worlingham and the trigger points for the provision of infrastructure for example) can be satisfactorily addressed in the preparation of the detailed masterplan and/or through the planning application process; the same applies to the cited practical implementation difficulties of development if it were to be carried out precisely as shown on the outline masterplan.
90. Fundamentally, the mix of uses required by the policy and their distribution in very broad terms across the proposed neighbourhood as indicatively shown in the outline masterplan are justified by (i) the evidence on the need for and distribution of development across the district detailed above; (ii) the fulfilment of the concept of a garden neighbourhood (as distinct from 'just another housing estate'); and (iii) the sensible approach of seeking to locate the various facilities on the site having regard to their use by both residents of the new neighbourhood and the existing surrounding residential areas. The country park, specifically referred to in the Masterplan Report is, to my mind, a key element of the garden neighbourhood and is distinct from the other envisaged areas of open and recreational space. Consequently, specific reference to it in the policy is justified, albeit as detailed below modification of the policy is necessary in respect of its location. Moreover, the requirement that development should be in accordance with a detailed masterplan which, in turn, should be based on the outline masterplan is justified in providing an appropriate level of certainty (to both the local community and the multiple site promoters) about the nature of the comprehensive development which is required, whilst providing sufficient flexibility to enable its effective implementation which may be across several planning applications. Providing the conditions to enable new dwellings to be constructed quickly is important, but this should not be achieved at any cost. Consequently, the plan is justified in seeking to ensure that a high quality garden neighbourhood is delivered in the interests of both its own residents and those in the surrounding areas.
91. In terms of the policy requirements themselves, it is entirely sensible that the primary school and community hub should be located centrally within the site, to maximise accessibility to them from the rest of the neighbourhood, and that the retirement community should be located close to the community facilities. These requirements provide an appropriate degree of flexibility and to not have them as policy criteria would run the risk of a less-than-optimum layout for the development, contrary to the garden neighbourhood concept. Expansion of the allocation to include additional land at the junction of Ellough

Road and the Southern Relief Road is not necessary for the plan to be sound, particularly as there is no evidence that this land is available for development.

92. For these reasons I conclude that the allocation is, in principle, sound although **MM30, MM31, MM32** and **MM33** are necessary to ensure that the plan is fully justified and effective. These modifications make clear that development should be informed by the Masterplan Report but do not require accordance with this document, which would inappropriately give it, in effect, development plan status. However, for the reasons detailed above, the outline masterplan diagram (Fig 13) is appropriately part of the local plan, albeit that it is indicative, and therefore it is right that the detailed masterplan, required by policy WLP3.1, is based on it. The modifications also (i) provide the necessary clarity, and consistency with Appendix 1 of the plan, in terms of infrastructure provision; and (ii) appropriately require ongoing engagement with the local community in the preparation of the detailed masterplan. It is not necessary for the plan to precisely define "ongoing engagement" but this wording appropriately makes clear that community should be consulted during the preparation of the masterplan, not simply once it has been completed. I have also slightly altered the wording of the MM from that consulted on to make absolutely clear that the detailed masterplan should cover the whole site. Whilst agreement on the masterplan between the various landowners/site promoters is highly desirable, it would not be appropriate to require this as part of the submission of the masterplan as this could prevent the submission of a planning application. It would be for the Council to resolve any disagreement about the detailed masterplan through either the approval or refusal of the planning application. Whilst trigger points for the provision of infrastructure might be detailed in the masterplan they could potentially also be agreed as part of conditions of a planning permission. Consequently, it is not necessary for soundness for the plan to set specific requirements in this respect.
93. **MM33** also ensures consistency with the outline masterplan by referring to access to the employment area from Ellough Road and deletes the locational requirements of the policy in respect of the country park for which, notwithstanding its indicative position on the outline masterplan, there is not at this stage detailed evidence to justify. However, the policy's requirement that the totality of sports/open space provision amounts to at least 25ha is justified given the overall size of the site and its fundamental concept as a garden neighbourhood.
94. Land West of London Road, Beccles is allocated by policy WLP3.2 for around 280 dwellings. Similar concerns have been raised about impacts on infrastructure and services as for the Beccles and Worlingham Garden Neighbourhood, but once again the potential effects have been carefully analysed in the preparation of the plan. Bearing in mind the mitigation measures required by the policy (and the plan more widely) it is, in my judgement, unlikely that unacceptable harm would be caused. The requirement for a 10m wide landscape buffer is reasonable and justified given the protrusion of the site into the open countryside. The policy does not prevent the allocation being developed in phases, but it is not necessary for soundness for this to be specifically stated in the plan or, given the overall scale of the development, for a masterplan to be required. That said, it is appropriate for the policy to require provision of a single, approximately 0.4ha,

play space, given that multiple smaller facilities would not necessarily provide the same level of benefit as a single, larger play space.

95. For these reasons the allocation is, in principle, sound although for the policy to be effective, **MM34** is necessary to modify the requirement in terms of a ground contamination investigation report, enabling a phased development if so desired.
96. Suffolk County Council's evidence also contends that the development of this site is likely to generate the requirement for a new 'pre-school setting'. The preference is for this to be located elsewhere in Beccles. However, should no alternative site be available and the need be shown to still exist at the time of a planning application for this allocation, the Council argues that it will be necessary for land to be reserved on the site itself for a 'pre-school setting'. The County Council's evidence of need for this facility is challenged on a number of overarching and detailed counts, including in terms of the current deficit of places, 'child yields' and birth rates. However, whether or not there is currently convincing evidence of a definitive need at this moment in time or in the future (and I reach no conclusion on these particular points) the plan, as proposed to be modified, requires land for the facility only if demonstrated to be needed at the time of any planning application. The plan covers the next 18 years and, given the increase in population envisaged in the Beccles area and inherent difficulties in forecasting future demand for school places, it would be imprudent to not plan for the possibility that an additional 'pre-school setting' will be required in connection with this allocation for around 280 new dwellings. A local plan cannot account for every possible eventuality and, thus, bearing in mind the number of relevant factors, it would not be feasible for the plan to precisely define the parameters for determining the need for a 'pre-school setting' in connection with this allocation or to detail arrangements for apportionment across multiple developers. However, ultimately, if there were to be disagreement between the Council and the developer(s) over the issue this could be resolved through the appeals process.
97. It is common ground that a more central site in Beccles would be the most suitable location for a new 'setting'. However, if such a location is not available/deliverable at the time of a planning application for this allocation, then its provision on the West of London Road site would be a 'second-best' alternative and most certainly preferable to there being a deficiency in pre-school facilities as a result of the new housing development. Consequently, **MM34**, which includes the requirement for land to be reserved for a 'pre-school' setting if necessary at the time of the planning application, is needed for the plan to be positively-prepared and justified with respect to the infrastructure necessary to support housing development. The intention to secure this by s106 agreement accords with the plan's overall approach that infrastructure requirements arising directly from a site allocation will be funded by this method.
98. Land South of Benacre Road at Ellough Airfield, Ellough is allocated for B1, B2 and B8 employment development (policy WLP3.3). The site is surrounded by existing employment uses and, as such, is sound in principle, notwithstanding the 'over-allocation' of employment land. However, **MM35**, in respect of a contamination assessment, is necessary for the policy to be consistent with

the NPPF requirement (paragraph 120) that unacceptable risks from pollution are prevented.

*Strategy for Halesworth and Holton*

99. In support of the distribution of development set out in policy WLP1.1, the plan allocates five sites in Halesworth and Holton for residential development and one for employment uses. As with the development proposed elsewhere in the district, concerns have been raised about the consequences for infrastructure and services, in particular roads, schools and health facilities. However, the evidence demonstrates that the likely impacts have been thoroughly considered in preparing the plan and, bearing in mind the mitigation measures required in respect of these allocations, it is unlikely that unacceptable impacts on infrastructure and services would result.
100. Policy WLP4.1 allocates land for the Halesworth/Holton Healthy Neighbourhood, a mixed-use development comprising around 215 dwellings, a health care facility and retirement community, sports facilities and an education/training facility. The allocation is, in principle, sound and the policy's requirements concerning ecological, archaeological and transport assessments are justified, notwithstanding their inclusion on the Council's planning application validation checklist, given that the adopted local plan informs the validation checklist's requirements. However, given that there is not currently sufficient evidence to justify the policy's trigger point for the delivery of the sport facilities, **MM36** is necessary for the plan to be justified. This identifies that, in developing the site, an appropriate trigger point will need to be agreed with the Council.
101. Land Adjacent to Chediston Street, Halesworth is allocated by policy WLP4.2 for approximately 200 dwellings. Although it would represent an incursion into the open countryside, based on my observations during visits to the area, it would from most vantage points appear to be a logical extension of the existing, modern housing developments in the vicinity. The *Great Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study* (2016) credibly identifies that the site lies within an area with moderate capacity for development and there are not alternative sites available for housing in/around Halesworth and Holton which are in landscapes with a higher capacity for new development. The site offers the benefit of being within close walking distance of Halesworth town centre via Chediston Street. This street lacks continuous footways although, bearing in mind the volume of vehicular traffic, I envisage that most people would feel safe and content to walk or cycle along it. Wheelchair users or pushers of buggies might be less willing to use this street, although there are not alternative sites which would provide significantly better, non-car access to the town centre for all potential residents. The loss of Grade 2 agricultural land would be regrettable although the Council's judgement that this would be outweighed by the benefits of providing new housing to meet identified needs is a reasonable one. Moreover, in the light of the wide range of considerations taken into account through the *Strategic Housing and Employment Land Availability Assessment* and through Sustainability Appraisal, it is clear that the site has been allocated for development in preference to others on a robust, objective and reasonable basis.

102. A number of other concerns have been raised about this allocation, including drainage and flooding, impact on wildlife and archaeology and in relation to historic landfill, although having regard to the criteria of policy WLP4.2 and the other policies of the plan, I envisage it likely that these can be satisfactorily addressed at the planning application stage. I note that the Habitats Regulations Assessment prepared in connection with a current planning application for the site is considered to be inconsistent with a recent judgement of the European Court of Justice, although this does not mean that a judgement-compliant assessment of development on the site will necessarily identify significant adverse effects would be caused to the habitats concerned. On this basis I conclude that the allocation is, in principle, sound. However, for the plan to be justified in terms of ensuring best use is made of mineral resources, **MM37** is necessary which requires an assessment of the practicality of mineral extraction to be prepared.
103. Policies WLP4.3 and WLP4.4 allocate sites at Land North of Old Station Road, Halesworth and Land West of Lodge Road, Holton for small housing developments of around 10 and 15 dwellings respectively and, having regard to my conclusions detailed above about new development in the Halesworth and Holton area, these allocations are soundly-based.
104. Land at Dairy Farm, Saxons Way, Halesworth is allocated (policy WLP4.5) for around 40 dwellings, a community centre and a 'pre-school setting'. The allocation would regenerate a derelict site close to the town centre. Moreover, based on what I have read and heard it would provide the most effective and practical means of securing a community centre for Halesworth which meets modern needs. The allocation is, therefore, in principle sound. However, to ensure that the policy's provisions in respect of the community centre and a 'pre-school setting' do not threaten the viability of the overall development of the site, and thus to ensure the plan is effective, **MM38** and **MM39** are required which identify that land for these facilities will be secured through the payment in kind provisions of the Community Infrastructure Levy Regulations. To ensure consistency with national policy's aims to conserve heritage assets **MM39** also includes additional policy criteria in respect of such assets.
105. In support of the spatial strategy's aim to provide around 15% of employment land in the district's market towns, policy WLP4.6 is a positively-prepared one, allocating land at Broadway Farm, West of Norwich Road, Halesworth for classes B1, B2 and B8 development.
106. As with a number of other allocations, the rates of completion of housing on the WLP4.1 and WLP4.5 sites envisaged by the Council are, to my mind, optimistic, although not completely unrealistic. However, that these sites may not deliver the number of dwellings in the next five years which the Council suggests, does not mean that the allocations are, in themselves, unsound bearing in mind their developability during the plan period. I address the implications of this for the supply of housing across the district in Issue 7.

#### *Strategy for Bungay*

107. Consistent with policy WLP1.1's provision that around 6% of new housing in the district should be located at Bungay, policies WLP5.1 and WLP5.2 allocate land to the east and west of St John's Road for around 85 and 400 dwellings

respectively. The Sustainability Appraisal credibly concludes that the WLP5.1 site performs similarly to a possible alternative site to the west of the WLP5.2 allocation, including in terms of effects on the landscape. However, the potential through landscaping on the WLP5.1 site, to 'soften' and enhance the appearance of Bungay itself when approaching it along St John's Road, justifies the selection of this site, whilst at the same time emphasising the importance of the 5m minimum width landscaping requirement of policy WLP5.1.

108. The relatively low, 30 dwellings per hectare (dph), density of development required for these sites is broadly consistent with the character of the existing, neighbouring residential areas, albeit that the requirement would not, in principle, prevent the density of development varying across the sites. However, it would not be consistent with the NPPF's aim of making the effective use of land to allocate more land for housing development in Bungay to enable even lower density development to take place. I envisage it likely that through good design and layout, which can be secured through the planning application process, problems which have been stated to have arisen in the past with development of around 30 dph can be avoided. Nor, in the light of the available evidence, would it be justified to require greater provision of employment land or allotments on the WLP5.2 site.
109. The east of St Johns Road site will accommodate attenuation for flooding for both itself and, at least part of, the west of St Johns Road allocation. However, in the light of the discussion at the hearings and my visits to the area, I consider it realistic that the two sites could accommodate the development envisaged for them without causing on-site flooding or drainage problems or exacerbate such problems elsewhere. The policies require the submission of Transport Assessments and Travel Plans in connection with both sites and through these, and other relevant policies of the plan, traffic calming measures can be secured if demonstrated to be necessary. The requirement that land for a new pre-school setting be secured through a s106 planning obligation is consistent with the plan's overall approach of securing infrastructure by this method where the need for the infrastructure arises from one allocation alone.
110. In the light of the above, these two allocations are, in principle, sound. Nonetheless, in the interests of clarity and thus effectiveness, **MM40** is necessary in respect of the extent of pedestrian and cycle routes to be provided. For policy WLP5.2 to be justified, effective and consistent with the aim of national policy, **MM41** is also required. This modification (i) reasonably requires "facilitation", rather than delivery, of the employment land; (ii) clarifies education facility requirements in the light of up-to-date evidence; (iii) clarifies the extent of the pedestrian/cycle route requirements; (iv) includes requirements to ensure the appropriate conservation of heritage assets; (v) ensures best use is made of mineral reserves in accordance with the *Suffolk Minerals and Waste Local Plan*; and (vi) requires submission of a masterplan informed by ongoing engagement with the community. This last requirement is necessary given the size of the development, the mix of uses and multiple promoters involved and to ensure that a high quality, comprehensive development is achieved. In the light of consultation comments I have slightly amended the wording of this MM to make clear that the detailed masterplan should also be informed by any existing planning consents for the site.

However, other modifications to make the policies more flexible are not necessary for soundness and would have the potential to result in unacceptable forms of development and/or key development needs not being met.

### *Strategy for Southwold and Reydon*

111. The twin settlements of Southwold and Reydon lie within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). Southwold has a good range of facilities and is an important tourist destination. However, the proportion of second homes (38% in Southwold), the lack of affordable housing /wider affordability issues and the level of commuting into Southwold for work strongly indicate the need for more housing, without which the social and economic fabric of the settlements would be likely to be harmed. In view of the AONB's boundaries, it would not be feasible to locate housing to serve the needs of Southwold and Reydon outside of this designation.
112. Policy WLP6.1 allocates Land West of Copperwheat Avenue, Reydon for around 220 dwellings, 40% of which (under policy WLP8.2) would be affordable homes. Although the site is an agricultural field it is surrounded on two and a half sides by existing residential development. Moreover, the topography of the area means that it would not appear as an obvious or strident protrusion of development into the surrounding countryside. Bearing in mind the landscaping which is required by policy WLP6.1, I envisage that development of the site would be likely to cause only limited harm to the landscape and scenic beauty of the AONB.
113. The Sustainability Appraisal credibly demonstrates why this site has been selected in preference to alternatives. Moreover, based on my visits to the area, it is clear that reducing the size of this site and, in addition, allocating another site elsewhere on the edge of Reydon would be likely to cause more harm overall to the landscape and scenic beauty of the AONB. Furthermore, whilst it is a matter to be determined at the planning application stage, it is likely that both such sites would still constitute major development, having regard to paragraph 116 of the NPPF.
114. In the light of (i) the need for housing in the area; (ii) the absence of feasible alternatives outside the AONB; (iii) the relatively high level of affordable housing which can viably be provided on the site; and (iv) the limited harm which the allocation would cause to the landscape and scenic beauty of the AONB, I consider it likely that it would be determined that exceptional circumstances would exist to grant permission for development of the site. On this basis the allocation is, in principle, sound. However, in view of the importance of local housing needs being met and the need for special justification for development of this scale in the AONB, **MM42** and **MM43** are necessary to require that the development provides a mix of housing tailored to local needs. To minimise as far as possible adverse effects on the AONB **MM43** is also needed to require that development has regard to the *AONB Management Plan* and relevant landscape assessments. The modification is also required to ensure that best use is made of mineral resources in accordance with the *Suffolk Minerals and Waste Local Plan*.

115. Policy WLP6.2 sets out a positively-prepared approach to appropriate development at Southwold Harbour.

116. In conclusion, subject to the above-mentioned modifications, the plan's strategies for (i) Beccles and Worlingham, (ii) Halesworth and Holton, (iii) Bungay and (iv) Southwold and Reydon are justified, effective and consistent with national policy.

### **Issue 6 – is the plan's strategy for Rural Areas justified, effective and consistent with national policy?**

117. Consistent with the intention of policy WLP1.1 that around 10% of housing growth should be located in the district's rural area, policies WLP7.2 – WLP7.17 allocate 16 sites for modest-scale housing development. The distribution of these sites also accords with that set out in policy WLP7.1 which, as detailed in Issue 3, is itself soundly-based.

118. Policy WLP7.6 allocates Mill Farm Field, Somerleyton for approximately 35 dwellings. The modest number of dwellings, the relatively low density required by the policy and the retention of hedgerows, trees and field boundaries at this location are key to ensuring the site's compatibility with the character of the settlement, including the Conservation Area. Increasing the number of dwellings proposed for the allocation, either through an expansion of the site or through higher density development, would thus not be justified.

119. Land North of Elms Lane, Wangford is allocated by policy WLP7.7 for approximately 16 dwellings. Wangford is defined in the settlement hierarchy as a larger village and has a number of local facilities including a GP surgery, food shop and post office. The provision of some new housing in the settlement accords with the overall distribution of development in policies WLP1.1 and WLP7.1 and is consistent with paragraph 55 of the NPPF which indicates that housing should be located so as to enhance or maintain the vitality of rural communities. As is the case with most of Wangford, the site is in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB), although the allocation would be of modest size, would be relatively well-contained within the landscape and would be in keeping with the settlement's pattern of development. The likely impact on the landscape and scenic beauty of the AONB would therefore be minimal and as such I am satisfied that in allocating this site the plan gives great weight to the conservation of the AONB as required by the NPPF.

120. In view of its scale and likely impact it is unlikely that housing on this site would be major development in terms of paragraph 116 of the NPPF. However, even if it were to be, it is likely that the exceptional circumstances would exist to justify permitting the relevant planning application; the need for the modest development is justified by its potential to support the vitality of the village, the housing could not be provided outside of the AONB, other than inappropriately on the 'wrong' side of the A12 dual carriageway which bypasses the village, and the likely effect on the landscape and scenic beauty of the AONB would be minimal. Consequently, the allocation is in principle sound although, in the interests of effectiveness, **MM45** is required; this clarifies requirements in respect of landscape assessment and mitigation measures.

121. Policy WLP7.8 allocates land North of Chapel Road, Wrentham for around 60 dwellings, an allocation which, in principle, is in accordance with policy WLP7.1's designation of the settlement as a larger village, notwithstanding that children will continue to have to travel outside of the village to school. Most of the village's facilities are within walking distance of the site. Given the scale of development envisaged it is unlikely that significant adverse traffic impacts would be caused and relocation of the school bus stop, should that prove to be necessary, is not likely to be an unsurmountable problem.
122. I have had careful regard to the detailed discussion at the hearings about flooding and the plan's supporting text notes that the northern part of the site is subject to this problem. However, the size of the site is such that the area prone to flooding need not be developed. With this in mind and having regard to the discussion at the hearing, the written evidence, the absence of any concern about the allocation raised by the Environment Agency and my observations on a visit to the site and the surrounding area, it is unlikely that flooding problems would be exacerbated on the site or elsewhere. In reaching this conclusion I have also borne in mind (i) the requirements of policy WLP8.24 that developments employ sustainable drainage systems to drain surface water; and (ii) the plan's indication that localised improvements to the foul sewerage network are likely to be required and the policy WLP1.4 (proposed to be renumbered WLP1.3) requirement that development provides for such necessary infrastructure.
123. Land immediately to the east of the site is part of a larger and attractive tract of open land along the valley of the stream which, in parts, extends to the High Street. Its value to the character and appearance of Wrentham is likely to be even greater once the WLP7.8 allocation is developed and, thus, it would be inappropriate to expand the allocation to include this land. The policy's requirements in respect of density, maximum heights on parts of the site and landscaping requirements are, at this stage, justified given the proximity of heritage assets to the north, the site's boundary with the open countryside to the west and the general low-density development character of the village. However, notwithstanding the cautious but appropriate maximum building height requirements, I am confident that the Council would not apply the policy inflexibly if it were to be convincingly demonstrated that taller dwellings would not harm the setting of the nearby heritage assets or the character of the village and surrounding landscape. The policy requirement that a footway should be provided along the Chapel Road frontage of the site is also a justified one, bearing in mind the desire to minimise car use for local trips. The necessary extent of the footway is likely to depend on the location of the site access(es) and that of the school bus stop, and the policy requirement cannot feasibly be more precise in this respect at this stage.
124. I am confident that other concerns raised about this allocation can be satisfactorily resolved through the planning application process and, consequently, the allocation is, in principle, sound. However, **MM46** is necessary for the policy to be fully justified and effective; this clarifies requirements in respect of landscape impact assessment and landscape mitigation, requires an archaeological evaluation of the site and appropriately seeks to ensure that existing informal pedestrian footways are incorporated into the new development. I have slightly altered this modification from that

consulted on to make explicit the need for landscaping on the northern boundary of the site as already implied in the policy's supporting text.

125. Land South of Southwold Road, Brampton is, in principle, soundly allocated (policy WLP7.9) for a mixed-use development of approximately 50 dwellings, a replacement village hall and recreational open space. However, the policy requirement that the village hall and recreation facilities should be provided concurrently with the residential development could delay or prevent delivery of the whole scheme. Consequently, in the interests of a justified and effective plan, **MM47** is necessary; this requires the submission of a comprehensive masterplan including the various components of the site allocation. In response to consultation comments, and for consistency with other site allocation policies, I have altered the wording of this MM to detail the anticipated mechanisms for securing the necessary infrastructure. However, given the importance of the provision of all components of the site allocation to the creation of a "distinct centre" to Brampton, it is important the modified policy retains reference to the means for securing the timely delivery of all the site's components.
126. Policy WLP7.10 allocates Land at Toodley Farm, Station Road, Brampton for approximately eight self or custom build dwellings. Whilst the site is located some distance from a settlement, it is very close to Brampton Station from where there is an hourly train service for most of the day to Halesworth, Beccles, Lowestoft and Ipswich. Buses, albeit on a relatively infrequent basis, also pass the site. This very modest housing development would therefore provide for its residents a realistic alternative to the car for many journeys and would help to support the local rail and bus services. Station Road is relatively narrow, although given the existing volume of traffic along it and that likely to be generated by around eight new dwellings, significant adverse traffic impacts are unlikely. Moreover, there is no reason in principle why the construction or occupation of a small number of new homes should be incompatible with the keeping of horses on nearby land. I am satisfied that other concerns raised about the allocation, including drainage and impacts on ecology and the landscape, could be satisfactorily resolved through the planning application process.
127. In principle, therefore, the allocation of the site for housing is sound. However, based on the discussion at the hearings I envisage that the requirement that the allocation is for self or custom build dwellings only would be likely to adversely harm its developability. Whilst the Council's records indicate a demand for custom or self-build plots in rural areas of the district, it could be many years before a sufficient number of people come forward to develop eight or so plots on this particular site. And, unlike on the larger general purpose housing allocations for which there is a 5% self/custom-build requirement (see Issue 8), there would not on this site be any income from other dwellings to temporarily cross-subsidise the development of the self/custom-build plots.
128. Consequently, whilst it remains appropriate for the supporting text of the policy to identify that this allocation could provide an opportunity to accommodate some of the demand for self/custom built plots, **MM48** and **MM49** are necessary for the plan to be justified; these delete the requirement for the homes on the site to be self/custom-build ones.

129. Land East of Mill Road, Rumburgh is allocated by policy WLP7.15 for approximately 10 dwellings, a modest-sized development consistent with policy WLP7.1's identification of Rumburgh as a smaller village. In principle the policy is sound, although its requirements in respect of the 10dpa density has the potential to be unachievable when combined with the other policy criteria concerning the layout of the dwellings and the provision/location of amenity space. Consequently, for the policy to be justified, **MM53** is necessary; this requires that the density is appropriate for the surrounding area.
130. Policy WLP7.16 allocates Land East of Woodfield Close, Willingham for approximately 10 dwellings, a scale of development consistent with policy WLP7.1's identification of Willingham as a smaller village. As detailed in Issue 3, I have concluded that the overall approach to the selection of sites allocated for development in the plan, in comparison with possible alternatives, is robust. Moreover, there is no evidence to indicate that the site to the rear of the nearby Fox Inn would be available as an alternative for housing in the village.
131. The allocation is close to Crossbow Cottage, a non-designated heritage asset, although this has already effectively become part of a relatively modern residential development. Moreover, based on my visit to area, I am not persuaded that the site forms a significant part of the setting of this building. Therefore, it is unlikely that material harm to the significance of this heritage asset would be caused by development of the allocated site. Whilst most, although not absolutely all, existing dwellings in the village are without other properties to their rear, to my mind this is not a key element of the character of Willingham. Consequently, that existing homes in Woodfield Close would, as result of development of this site, have dwellings to their rear, would not significantly harm the area's character. The site is of sufficient size to enable its development to be designed so as to prevent unacceptable harm to existing residents' living conditions being caused through loss of privacy or the overbearing presence of new buildings.
132. Vehicular access to the site is envisaged to be from Woodfield Close, although this is not a policy requirement and it may be possible from Sotterley Road. Either way, given the nature of the roads, the current volume of traffic on them and the number of trips likely to be generated by around 10 new dwellings, unacceptable traffic impacts would be unlikely to be caused. Given the requirements of policy WLP7.16, and of other policies of the plan, other concerns raised about the allocation can be satisfactorily addressed through the planning application process. As such the allocation is sound.
133. Having regard to the Council's responses to the concerns expressed about them, I am satisfied that, subject to the modifications detailed below, the following sites allocated for modest housing developments in the district's rural areas are also sound:
- WLP7.2 – Land Between The Street and A146, Barnby;
  - WLP7.3 – Land South of Lound Road, Blundeston;
  - WLP7.4 – Land North of Pickwick Drive, Blundeston;

- WLP7.5 – Land North of The Street, Somerleyton, subject to **MM44** to provide necessary clarity in respect of heritage impact assessment requirements;
- WLP7.11 – Land South of Hogg Lane, Ilketshall St Lawrence;
- WLP7.12 – Land East of The Street, Lound, subject to **MM50** to provide necessary clarity in respect of heritage impact assessment requirements;
- WLP7.13 – Land North of Chapel Road, Mutford, subject to **MM51** to provide necessary clarity about landscaping requirements;
- WLP7.14 – Land North of School Road, Ringsfield, subject to **MM52** to provide necessary clarity about arrangements for securing car parking provision; and
- WLP7.17 – Land West of Lock's Road, Westhall.

134. In conclusion, subject to the above-mentioned modifications, the plan's strategy for Rural Areas is justified, effective and consistent with national policy.

#### **Issue 7 – does the plan provide for an adequate supply of developable and deliverable housing land?**

135. Taking account of houses already completed, commitments (ie those with planning permission) and the plan's allocations, provision is made for around 12% more dwellings than are needed to meet policy WLP1.1's 8,223 housing requirement figure for the 2014 – 2036 plan period. Having regard to my conclusion on the site allocations detailed in Issues 4 – 6 above, the sites are developable during the plan period, in terms of the definition set out in the NPPF. The 12% 'buffer' (or 'over-allocation') is justified on the basis of providing flexibility to ensure that the requirement figure is met should, in reality, some sites not come forward at all or at the rate envisaged. As such this approach ensures that the plan is both effective and positively-prepared. Moreover, should more than 8,223 dwellings be constructed during the plan period, the additional housing would help to ensure that a greater proportion of the identified need for 208 affordable dwellings per year is delivered.

136. However, for three main reasons there is not a need for soundness for the plan to provide an even larger buffer in the supply of housing land against the requirement figure. Firstly, the 12% buffer does not include windfall developments (other than those already completed or with planning permission), of which there will almost certainly be some during the plan period, nor any housing allocations made through Neighbourhood Plans. Consequently, although unquantified, the buffer is, in reality, already almost certainly more than 12%. Secondly, the NPPF does not require plans to provide a housing supply buffer over and above the requirement figure. And thirdly, the plan will, by law, need to be reviewed (and updated if necessary) at least three times during its life and these reviews/updates provide the appropriate opportunities to allocate more sites for housing should that prove to be necessary.

137. On the basis of past shortfall in housing delivery being addressed in the next five years (the 'Sedgefield' approach) and a 20% buffer to reflect persistent under-delivery, the Council's *Statement of a Five Year Supply of Housing Land* (Doc D3) details that the requirement for the 2018/19 - 2022/23 period is 3,056 dwellings. Against this the document contends that there is a deliverable supply for this period of 3,445 dwellings and, thus, the Council can demonstrate 5.6 years supply of deliverable housing land.

138. It has been argued that a number of sites included in the Council's supply figure are unlikely to be started or built out to the extent envisaged by the Council, during the next five years. At the hearings the developers of some of these sites expressed confidence that the Council's assumed delivery on their sites will be achieved and I conclude that there is a reasonable prospect that almost any of them could deliver as anticipated. However, on the balance of probabilities not all of them are likely to do so. Moreover, notwithstanding the transitional arrangements for the examination of local plans, the assessment of housing supply in the determination of planning applications must now have regard to the revised definition of 'deliverable' set out in the 2019 NPPF. This indicates that sites without planning permission should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. On this basis I am not persuaded that all of the sites without planning permission in the Council's five year supply figure can be considered to be deliverable at the rates the Council envisages.

139. In the examination of a local plan it is not necessary to identify a precise figure for the supply of deliverable housing land, but bearing in mind all that I have read and heard on the issue, and in particular the number of sites currently without planning permission, I conclude that on the basis of the 'Sedgefield' approach to recovering past shortfall and a 20% buffer the deliverable supply of housing land in Waveney at the point of adoption of the plan would be likely to be around 5.0 years or potentially slightly lower. As such there is a significant risk that the plan would be regarded as being out of date on or shortly after its adoption which is clearly undesirable given the emphasis in the NPPF on the importance of a plan-led planning system. On this basis the plan is not sound.

140. Possible ways of addressing this situation were discussed at the hearings. Allocating more housing sites in the plan, or significantly increasing the number of dwellings on sites already allocated, would be unlikely to address the problem; almost certainly such sites would be ones without planning permission and it is unlikely that there would be clear evidence of delivery in the next five years when there is not such evidence for some of those sites already allocated in the plan. Moreover, selecting, appraising, consulting on and examining additional sites would inevitably take a number of months (or even a year or more), delaying adoption of the plan which, itself, would not assist early delivery of those sites which are already in the plan.

141. However, if the 'Liverpool' approach to addressing past shortfall in housing delivery were to be adopted (ie addressing the shortfall over the remainder of the plan period instead of in the next five years) the supply of around 5.0 years would become one of around 6.0 years. Whilst the PPG makes clear that the 'Sedgefield' approach should be followed where possible, the 'Liverpool' approach is justified in the specific circumstances of the Waveney Local Plan

on two counts. Firstly, the plan has allocated housing sites, in line with a distribution of development which is shown through SA to be the most sustainable approach and which would provide for 12% more dwellings than the plan period requirement. However, the realistic start dates and build out rates for these sites mean that past shortfall in delivery cannot feasibly be 'recovered' in the next five years. Secondly, as detailed above, the alternative approach of allocating even more sites in the plan would be unlikely to be effective in providing a five year deliverable supply based on the 'Sedgefield' approach.

142. Consequently, for the plan to be sound **MM3** is necessary which makes clear that in assessing ongoing housing supply the 'Liverpool' approach to the recovery of past shortfall in delivery should be applied. However, this modification does not in any way mean that delivery of housing should be delayed if, consistent with other plan policies, the past shortfall in delivery can be addressed more quickly. The housing trajectory, set out in Appendix 3 of the plan, indicates the Council's envisaged rate of housing delivery on a site-by-site basis. Whilst it is generally optimistic when considered as a whole, as detailed above I conclude that on an individual site basis it is not necessarily unrealistic. Moreover, it does not set policy or in any way control the timing or rate at which any housing development can or will, in reality, come forward. Consequently, modification of the housing trajectory is not necessary for the plan to be sound.

143. In conclusion, subject to the above-mentioned modification, the plan provides for an adequate supply of developable and deliverable housing land.

### **Issue 8 – are the plan's district-wide policies concerning housing justified, effective and consistent with national policy?**

144. Policies WLP8.1 – WLP8.11 are a suite of housing-related policies which would apply on a district-wide basis. In principle they are positively-prepared and are consistent with the NPPF (paragraph 50) statement that local authorities should plan for a mix of housing to meet the needs of different groups in the community. In line with this element of national policy, policy WLP8.1 appropriately requires that the mix of sizes and types of units on residential development should be based on evidence of local needs including the SHMA. The most recent SHMA identifies a particular need for 1-2 bedroomed properties, across all tenures. In view of this and the sentiments of the NPPF the policy's requirement that least 35% of dwellings on new residential development should be 1 or 2 bedroomed units is justified. However, there may be specific instances where this provision is not necessary or feasible and in the interests of ensuring appropriate flexibility, and thus the effectiveness of the plan, **MM54** is necessary, which adds a "unless this can be satisfactorily demonstrated to be unfeasible" rider to the policy. Unfeasibility would include, amongst other things, economic unviability and it is appropriate to require unfeasibility to be satisfactorily demonstrated; otherwise an entirely unconvincing demonstration of unfeasibility would potentially be policy-compliant.

145. As detailed in the policy's supporting text, the SHMA also identifies the need for more than 1,000 sheltered and extra care accommodation bed spaces. The policies for six of the larger housing allocations require (or, in one case,

strongly encourages) provision of retirement communities and/or care/nursing homes; these include urban area sites such as the former Lowestoft Hospital (WLP2.8) and Halesworth/Holton Healthy Neighbourhood (WLP4.1) as well as the urban/urban extension allocations. This provision may not align with the business models of every provider of accommodation for the elderly, but based on what I have read and heard there is no reason to consider that the necessary provision will not come forward as envisaged on these allocations.

146. Nonetheless, the Council made clear at the hearings that, as with general purpose residential development, it would also be, in principle, supportive of proposals for accommodation for the elderly on 'windfall' sites within settlement limits. However, there is not a specific policy in the plan relating to 'windfall' residential development, it being permitted subject to accordance with other plan policies. In the light of this there is not a need, in order for the plan to be sound, for there to a policy which specifically supports the provision of accommodation for the elderly or for additional sites to be allocated.
147. Policy WLP8.2 requires provision on residential developments of 11 or more units of 20% affordable housing in the Lowestoft and Kessingland area, 40% in the Southwold and Reydon area and 30% in the rest of the district. These requirements are necessary to contribute towards meeting the need for 208 affordable homes per year in the district identified in the SHMA and are consistent with paragraph 50 of the NPPF. Based on the tenure-needs analysis in the SHMA the policy also requires that 50% of the affordable homes are for affordable rent. *The Waveney Local Plan – Whole Plan Viability Assessment* (March 2018) credibly concludes that, in most instances, these affordable housing requirements would be viable and there is no substantive evidence to demonstrate that the land and sales values it assumes are not reasonable. Some types of development within the low value area in Inner Lowestoft would be unlikely to be viably able to support the 20% requirement. However, this is unlikely to cause a significant problem given that little residential development over the 11 unit threshold is likely to come forward in this area. Moreover, the only residential allocation in this area (WLP2.8, Former Lowestoft Hospital) would be likely to benefit from vacant building credit for affordable housing. And, as would be the case across the district, in the unlikely event that a scheme were to come forward in this area which could not viably provide the required level of affordable housing, the 'subject to viability' clause of policy WLP8.2 would apply.
148. The Viability Assessment assumes implementation of a revised Community Infrastructure Charging Levy Schedule, although this is to be the subject of a separate and future examination. Nonetheless, Docs H19 and H20 demonstrate that in most instances policy WLP8.2's affordable housing requirements would also be viable under the extant Community Infrastructure Levy Schedule. The exceptions to this would be some development within Inner Lowestoft which, as detailed above, is, in practice, unlikely to cause a significant problem and, potentially, development of the WLP2.13, WLP2.16 and WLP3.1 allocations. The Council credibly contends that the revised Community Infrastructure Levy Schedule is likely to be adopted before planning applications in respect of these allocations are determined. And ultimately, should this not be the case and should evidence demonstrate that the plan's affordable housing requirements would not be viable on one or more

of these sites, then the 'subject to viability' clause would apply, enabling a viable development to proceed

149. Consequently, policy WLP8.2 is, in principle, justified in terms of need and viability. However, **MM55** is necessary in the interests of effectiveness. This removes ambiguity by deleting the "a minimum of" wording whilst making clear that proposals will be supported which provide more affordable housing than the policy requirement. The modification also adjusts the policy's wording in respect of intermediate tenure housing so as to not be outdated in the light of the NPPF 2018's definition of affordable housing.
150. NPPF paragraph 50 indicates that the mix of housing local authorities should plan for should include the needs of people wishing to build their own homes. In support of this, policy WLP8.3 requires that 5% of units on residential developments of 100 or more dwellings should be serviced plots available for self-build or custom-build. The Council's Self Build Register currently comprises around 130 people who have expressed an interest in such accommodation in the district, and it is very likely that more people will express an interest as the plan period progresses. The Register inevitably has its limitations, including a lack of clarity about the number of households the individuals reflect and that some individuals on it may also be on the same list for other local authority areas. It is also the case that some self/custom build plots may come forward on sites not subject to policy WLP8.3. However, bearing all this in mind, and given that the number of people already on the list is more than a third of the annual average requirement for all new homes in the district, the 5% requirement is, in my judgement, broadly reasonable.
151. It is reported that the majority of people on the register are interested in plots in rural areas and not on developer-led sites. Whilst the policy WLP8.3 provisions would be unlikely to meet these particular wishes, national policy does not suggest that self/custom build housing should be exempt from the core planning principle of actively managing patterns of growth to make the fullest possible use of public transport, cycling and walking, which generally means urban/urban extension locations. Whilst some people who would prefer a rural/non developer-led site might choose not to buy a plot on one of the sites subject to the 5% requirements, there is no evidence to indicate that this would be the case with everyone on the register. Like most people, self/custom-builders will need to make compromises in choosing where to live.
152. The 5% requirement has been shown through the *Waveney Local Plan – Whole Plan Viability Assessment* to not undermine the viability of residential development. Moreover, the policy sensibly allows for serviced plots to be built-out by the developer if they remain unsold after 12 months. Given typical build-out rates it is unlikely that this would cause significant problems in the overall development of sites of more than 100 dwellings. However, notwithstanding that policy WLP8.3 is in principle sound, there may be instances where at the time of a planning application it is demonstrable that successful delivery of the 5% requirement is unfeasible (which would include amongst other things economic unviability) on a particular site. To address this and to ensure the plan is fully justified and effective **MM56** is required. In response to consultation comments I have amended the wording of MM56 to ensure consistency of approach/wording with policy WLP8.2 concerning affordable housing.

153. *The Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment* (May 2017) credibly identifies a need for 17 additional pitches for gypsies and travellers in the district during the plan period. However, no sites for such accommodation were suggested during the 'call for sites' and the Council has been otherwise unable to identify any sites which are suitable, available and, crucially, actually likely to be developed. However, the Council has a track record of granting permission for pitches for gypsies and travellers, including one for four pitches since the start of the plan period.
154. Policy WLP8.5 sets out criteria subject to which accommodation for gypsies and travellers would be permitted. This is a pragmatic approach which, in the context of the Council's track record of granting permission for pitches, has a realistic prospect of providing for the identified needs for the next five years and for the whole plan period for accommodation for gypsies and travellers, both in terms of the number of pitches and in terms of locations which meet the specific needs of individual gypsy and traveller households. Crucially, although the policy appropriately requires sites to be in easy travelling distance of schools and other services, it permits pitches outside settlement boundaries. The flexibility provided by this approach outweighs any disadvantages arising from the plan not allocating sites, particularly when the developability of allocated sites would be questionable. It is notable that the policy has not been the subject of objection, including by the local Gypsy and Traveller Liaison Officer. In the light of all this policy WLP8.5 is sound.
155. Consistent with paragraph 54 of the NPPF, policy WLP8.6 provides for affordable housing schemes in the countryside adjacent to Corton, larger and smaller villages and other rural settlements. The policy is a positively-prepared approach which will contribute towards meeting the overall need for affordable homes and support the vitality of rural communities. However, it is not necessary to extend the applicability of the policy to cover larger settlements (eg Southwold and Reydon) given that these will benefit from the affordable housing provision required on sites specifically allocated for housing in the plan.
156. Policy WLP8.7 seeks to support the vitality of rural areas and, in this regard, is also positively-prepared, allowing up to five new dwellings within or adjacent to the built-up area of settlements within the countryside (other than the identified larger and smaller villages) subject to a number of criteria being met. In the context of the overall spatial strategy (policies WLP1.1 and WLP7.1) directing around 1% of all the district's housing needs to these settlements, the policy's limit of three or five dwellings (depending on the specific circumstances) is justified. Moreover, in this context and given that Neighbourhood Plans (which can themselves allocate sites for housing) are unlikely to come forward in respect of many of the small settlements covered by the policy, the requirement for there to be clear and demonstrable local support for such proposals is also justified. The policy's supporting text adequately explains how such support can be demonstrated and the principle of requiring local support for development is one already set in national policy, albeit in relation to wind turbines.
157. Policy WLP8.31 requires proposals for housing development to demonstrate that its design supports the needs of older people and those with dementia.

The requirement is consistent with the NPPF paragraph 57 statement that it is important to plan positively for the achievement of high quality and inclusive design, although bearing in mind that this paragraph makes clear that this applies to all development, there is not justification for policy WLP8.31's requirements to be restricted to housing development. **MM63** is therefore necessary to ensure a positively-prepared plan which is consistent with national policy. However, in response to consultation comments, I have slightly altered the wording of this modification (replacing "where practical" with "where appropriate" in line with the intention of national policy and to ensure consistency with the policy's supporting text.

158. The policy also requires that 40% of dwellings on larger residential developments meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings. Doc C37 sets out the Council's justification for this requirement with reference to a range of statistical data, including (i) the last Census which registered around 40% of households in Waveney as having at least one resident with a disability and (ii) DCLG projections which show an increase of approximately 35% in households with a resident aged 65 and over in the district during the plan period and a more than doubling of the number of households with a resident aged 85 and over. However, other statistics point towards both lower and higher levels of need for accessible and adaptable dwellings.
159. It is impossible to exactly correlate a policy requirement for the provision of accessible and adaptable dwellings with statistics of relevance to the likely need for such housing. Moreover, not all types of new housing can feasibly be designed to be accessible and adaptable. However, in the light of (i) the statistics detailed above; (ii) the Public Sector Equality Duty to have regard to the desirability of advancing equality of opportunity for people of age and with disabilities; and (iii) the likely marginal effect on viability of development given the, credible, £521 per dwelling estimated cost, I conclude that the 40% requirement is a reasonable one. Nonetheless, in the interests of clarity and thus effectiveness, **MM63** is needed to make clear that the policy applies to developments of 10 or more dwellings, as opposed to those with a capacity for this number of homes.
160. Policies WLP8.4, WLP8.8 – WLP8.11 and WLP8.32 and WLP8.33 set out justified and effective criteria against which the density of housing development, the conversion of properties to flats, residential schemes for gardens and urban infill sites, rural workers' dwellings and proposals for residential extensions, conversions and annexes in the countryside will be assessed. As is also the case with a number of other district-wide policies, specific reference in these policies to the requirements for Habitats Regulations Assessment is not necessary for soundness, this being adequately addressed by policy WLP8.34.
161. In conclusion, and subject to the above-mentioned modifications, the plan's district-wide policies concerning housing are justified, effective and consistent with national policy.

**Issue 9– are the plan's district-wide policies concerning employment, tourism and retail, leisure and town centres justified, effective and consistent with national policy?**

162. The role of existing employment areas in the district is supported by policy WLP8.12, which also details the circumstances in which change of use from classes B1, B2 and B8 will be permitted. Protecting employment areas for employment uses is justified as an essential part of the plan's overall strategy to support economic growth and a more flexible policy would have the potential to significantly undermine this strategy. The policies map identifies the existing employment areas across the district and the Council has, sensibly, proposed a further change to this to reflect existing operational land at Upper Holton.
163. Policy WLP8.13 sets criteria for the consideration of proposals for employment development both within and outside existing employment areas. In principle the approach set out is sound, although to ensure that the policy is fully justified, **MM57** is required to make clear that the expansion of existing employment premises outside settlements limits, which cannot reasonably take place within an existing employment area, need not be subject to demonstration of need/the absence of other suitable sites. Policy WLP8.14 sets out a justified approach to the conversion or replacement of rural buildings for employment use, consistent with the aims of paragraph 28 of the NPPF to support a prosperous rural economy.
164. Policies WLP8.15 – WLP8.17 are a suite of positively-prepared policies to support tourism in the district. However, to ensure that the policies are effective, **MM58** and **MM59** are needed to clarify how proposals for the expansion/intensification of existing tourist accommodation will be assessed and to avoid ambiguity in terms of defining the locations where new hotels and guest houses will be supported.
165. Policy WLP8.18 references town centre boundaries and the primary shopping areas which are identified on the policies map. In the light of the relevant evidence (including the *Retail and Leisure Needs Assessment* of 2016) these are justified, including the exclusion of the Tesco car park from the Beccles town centre boundary. Inclusion of the car park would expand the size of the town centre significantly and this would be out of scale with the around 15% of new retail and leisure development which policy WLP1.1 directs to Beccles. In the light of this, any development on the car park if it were to be included within the town centre (and which would, thus, not be the subject of a sequential or impact test) would have the potential to adversely impact on the vitality and viability of the existing town centre.
166. The policy also identifies that town centre use development of 350sqm or more on edge and out of centre sites will need to be the subject of an Impact Assessment. The principle of a locally-determined threshold for an Impact Assessment is set in paragraph 26 of the NPPF and Doc C8 details the justification for the 350sqm threshold level in Waveney. This evidence, which amongst other things considers the average size of retail units in the district's retail centres, their vitality, viability and vulnerability and the size of recent out of centre development, is persuasive.

167. Again supported by the evidence of the 2016 *Retail and Leisure Needs Assessment*, policies WLP8.19 and WLP8.20 detail justified approaches to ensure the vitality and viability of town centres and in relation to development in local shopping centres.

168. In conclusion, and subject to the above-mentioned modifications, the plan's district-wide policies concerning employment, tourism and retail, leisure and town centres are justified, effective and consistent with national policy.

**Issue 10 – are the plan's infrastructure proposals and requirements robust and are its district-wide policies concerning (i) sustainable transport, (ii) community services and facilities and (iii) climate change justified, effective and consistent with national policy?**

169. Policy WLP1.4 details overarching requirements and arrangements to ensure that the infrastructure necessary to support the new development proposed in the plan is provided at the appropriate time. Issues relating to the implications of this for specific allocations and types of infrastructure are addressed elsewhere in this report, although in the light of NPPF's paragraph 177 statement that it is important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion, this overarching policy is justified. Appropriately, the policy also identifies key transport and flood risk management schemes which are envisaged to be delivered during the plan period, including the Lake Lothing Third Crossing which is the subject of an ongoing Development Consent Order examination. However, it is not necessary for the soundness of the plan for a much larger number of smaller scale projects to be listed in this policy.

170. The traffic impacts of the development proposed in the plan have been comprehensively assessed in the March 2018 document, *Waveney Local Plan Forecast Highway Modelling*. Tables C-1 – C-5 identify that the number of peak hour vehicle trips made in the district is likely to increase by around 20 – 30% during the plan period, depending on assumptions on fuel costs and income. However, Table C-2 indicates that only a small proportion (around 14-15%) of this increase will result from new development; the vast majority of the increase in traffic is likely to be accounted for by 'background' traffic growth. The modelling identifies that the overall likely growth in traffic will result in a number of junctions operating at or above their capacity, but crucially the report states that no locations have been identified where it is unlikely that measures to mitigate the impact of the traffic growth could not be delivered. The report also emphasises the importance of promoting sustainable transport options in seeking to minimise the forecast growth in vehicle traffic.

171. Consistent with the conclusions of the Highway Modelling report and with the NPPF's core planning principle of making the fullest possible use of public transport, walking and cycling, policy WLP8.21 details requirements for new development in respect of sustainable transport. However, **MM60** is necessary to (i) ensure full consistency with the wording of national policy (a reference to "severe" rather than "significant adverse" transport impacts) and, (ii) to be fully justified by making clear that the indicated thresholds for requiring Transport Statements and Assessments and Travel Plans are indicative.

172. Policy WLP8.22 supports new, and seeks to protect existing, community services and facilities and as such is consistent with paragraph 70 of the NPPF. Whilst individual proposals will be appropriately considered on their own merits, there is not justification to automatically exclude National Health Service property from application of this policy.
173. As detailed in policy WLP8.23, open spaces are identified on the policies map and the policy justifiably seeks to ensure their protection. However, the Council has sensibly proposed two further changes to the policies map to (i) remove the designation as open space of land between Wingfield Way and Pilgrim Street, Bungay given that it has no public access and (ii) to identify the former Reydon High School Playing Fields as open space, correcting a drafting error in the submitted policies map.
174. In support of the guidance set out in chapter 10 of the NPPF, policies WLP8.24 – WLP8.26 detail requirements in respect of flood risk (appropriately requiring this to be satisfactorily addressed through the planning application process), coastal change management areas and the relocation and replacement of development affected by coastal erosion. The flood risk requirements of policy WLP8.24 apply to all development and since the plan should be read as a whole it is not necessary for the requirements to be repeated elsewhere in the plan. Any changes, over time, in the boundaries of coastal change management areas (which are identified on the policies map) will need to be addressed through subsequent reviews of and alterations to the plan; it is not feasible for policy WLP8.25 to, itself, accommodate such revisions in isolation of a full or partial update of the plan. Moreover, this policy's requirements concerning commercial and community uses in coastal change management areas are justified so as to ensure that development which does not require a coast location is not unnecessarily put at risk of coastal change.
175. The Council has cited examples of successful operation elsewhere in the East Anglia region of policy WLP8.26's approach to the relocation/replacement of development affected by coastal erosion. In the light of this the policy is likely to be effective; there would not be the justification for allowing the two-to-one replacement of buildings affected by coastal erosion given that it would be likely to result in additional and unnecessary buildings in the countryside.
176. Policies WLP8.27 and WLP8.28 are, in principle, consistent with the NPPF's core planning principle of supporting the transition to a low carbon future and encouraging the use of renewable resources. Read together with policies WLP8.35, WLP8.37 and WLP8.38, adequate guidance is provided in respect of renewable and low carbon energy in terms of protected landscapes and heritage assets and specific reference to these matters in policy WLP8.27 is therefore not needed for soundness. The policy's reference to avoiding significant adverse effects is justified so as not to make policy-uncompliant development which would have a non-material or unappreciable adverse effect. However, **MM61** is necessary to ensure that the plan is consistent with the *House of Commons: Written Statement (HCWS42)*, subsequently incorporated into the 2018 NPPF, concerning wind energy development.
177. In conclusion, subject to the above-mentioned modifications, the plan's infrastructure proposals and requirements are robust and its district-wide policies concerning (i) sustainable transport, (ii) community services and

facilities and (iii) climate change are justified, effective and consistent with national policy.

**Issue 11 – are the plan's district-wide policies concerning design, natural environment and the historic environment justified, effective and consistent with national policy?**

178. The requirement for the high quality design of buildings and open spaces, which is consistent with the NPPF's core planning principles, is set out in policies WLP8.29 and WLP8.30. The first of these appropriately refers to *Building for Life 12* guidelines but it is not necessary to list the guidelines in the plan for it to be sound. Furthermore, its requirement that development complements local character and uses materials and detailing appropriate to the local vernacular does not mean that pastiche designs are required or will even be permitted. However, to ensure that this policy is fully justified and effective **MM62** is necessary to include reference to the historic environment.
179. In support of policies WLP8.29 and WLP8.30, policies WLP8.37 – WLP8.40 detail requirements in relation to the historic environment, non-designated heritage assets, conservation areas and archaeology. In principle the policies are sound although a number of wording changes are needed to ensure that they are fully justified, particularly in terms of the significance of heritage and archaeological assets, and consistent with national policy (**MM65**, **MM66**, **MM67** and **MM68**). Whilst a number of terms used in these policies (eg "visual significance") require a degree of interpretation, it is not feasible or appropriate for the plan to seek to define these, particularly without reference to specific proposals or circumstances which, across the district and throughout the plan period, are likely to vary enormously.
180. Consistent with Chapter 11 of the NPPF, policy WLP8.34 requires development to maintain, restore or enhance the district's existing green infrastructure network, which appropriately includes County Wildlife Sites shown on the policies map. The site at the entrance to the outer harbour at Lowestoft (no 65 in the County list) is justified in principle and in terms of its unusual, perfect-circle, shape in order that water and unobstructed air is protected to enable kittiwakes (a conservation priority in the EC Birds Directive) to approach, roost and exit.
181. Policy WLP8.35 is, in principle, consistent with the NPPF paragraph 109 requirement that the planning system should protect and enhance valued landscapes. Use of the word "should" in the policy is consistent with the NPPF. However, to be fully justified and effective, **MM64** is necessary to make clear the policy's application to specific sensitive and valued landscapes including the Broads and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. With this modification in place there is not a need, for the plan to be sound, for there to be a dedicated policy concerning the Broads. Moreover, since policy WLP8.35 applies to all development and the plan should be read as a whole, specific reference to the Broads throughout the document is not necessary for it to be sound.
182. Policy WLP8.36 seeks to prevent development which would result in the coalescence of settlements. In the context of a plan which seeks to fully provide for the objectively-assessed development needs for the district, this

aim is consistent with the NPPF's core planning principle of planning taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside. The policy defines how coalescence might occur (ie a reduction in openness and space or the creation of urbanising effects which are, thus, to be avoided) and adding further criteria to the policy is not necessary for the plan to be sound.

183. In conclusion, subject to the above-mentioned modifications, the plan's district-wide policies concerning design, natural environment and the historic environment are justified, effective and consistent with national policy.

### **Issue 12 – are the plan's appendices justified and effective in their scope and content?**

184. Appendix 1 of the plan sets out, across two tables, Delivery Frameworks for strategic policies and infrastructure. However, the infrastructure required to support specific allocations for development is somewhat confusingly and inconsistently detailed in either this appendix or the site allocation policies or, in some cases, both. In the interests of the clarity, and thus effectiveness, of the plan, **MM70** is therefore required, which deletes site specific infrastructure requirements from table A1.1. Other modifications detailed elsewhere in this report add the relevant requirements to specific site allocation policies. The Infrastructure Delivery Framework (Table A1.2) inevitably represents the current point in time and to ensure the effectiveness of the plan **MM69** is needed to make clear that any changes to it will be published annually by the Council in an Infrastructure Funding Statement.

185. Appendix 5 details viability assessment requirements in relation to the various plan policies for which this is necessary. The overall approach is consistent with paragraph 173 of the NPPF and the guidance provided on the assumptions to be used in viability assessments is reasonable and, in most cases, provides an appropriate degree of flexibility.

186. In conclusion, subject to the above-mentioned modifications, the plan's appendices are effective and justified in their scope and content.

## **Public Sector Equality Duty**

187. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the course of the examination including the accommodation needs of gypsies and travellers and the need for adaptable and accessible housing.

## **Assessment of Legal Compliance**

188. My examination of the legal compliance of the plan is summarised below.

- The plan was prepared in accordance with the Council's *Local Development Scheme* of March 2016 (Doc D1) and is in accordance with the revised *Local Development Scheme* of September 2018 (Doc G18) which sets out a more realistic timetable for adoption of the plan.

- Consultation on the plan and the MMs was carried out in compliance with the Council's *Statement of Community Involvement* of September 2014 (Doc A11). The plan was widely advertised, including the use of notices at sites to be allocated for development, but it not a legal requirement, nor would it be a good use of resources, to write directly to all residents. The multiple rounds of consultation which are statutorily required before a plan can be adopted can be somewhat confusing to people not familiar with the planning system. However, the Council sought to explain the position reached at each stage and it is unlikely that changes in site reference numbers would have resulted in people who had raised concerns about site allocations and policies at earlier stages not being aware of the content of the plan as proposed to be submitted for examination. That changes to the plan were not made by the Council, nor have been recommended by me, in connection with a number of objections which have been made does not mean that these objections have not been carefully considered. Moreover, there is no reason to believe that if the Council had carried out consultation on an even earlier draft version of the plan, it would have resulted in a materially different plan from that it submitted for examination.
- As detailed elsewhere in this report Sustainability Appraisal has been carried out and is adequate.
- The *Habitats Regulations Assessment of the Waveney Local Plan* (December 2018) updates earlier versions of the document, taking account of the MMs. Appropriate Assessment has been carried out and the report credibly identifies that adverse effects on European site integrity would be prevented.
- The plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include policy WLP1.1 which seeks to focus the majority of new development in order to minimise the need to travel, policy WLP8.21 (Sustainable Transport) and policies WLP8.24 – WLP8.27 in relation to renewable and low carbon energy, flood risk and coastal change.
- The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

### **Overall Conclusion and Recommendation**

189. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

190. The Council has requested that I recommend MMs to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Waveney Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (2012).

*Malcolm Rivett*

INSPECTOR