Waveney First Draft Local Plan, July 2017, Public Consultation

Having reviewed the first draft local plan policy documents, the Society has made the following response to the Site Specific Allocations and District Wide Strategic Planning Policies:

**Site Specific Allocations**

WLP2.12 North Lowestoft Garden Village
We welcome the inclusion of local shopping and leisure facilities only as we would not wish to see the regeneration of Lowestoft town centre to be prejudiced through out of town competition.

WLP2.14 Oulton Broad, Land North of Hall Lane
We object to the allocation of the site for 200 houses on the grounds that it will harm the setting of the grade II* Manor House. The provision of a 1 hectare buffer to the west of the heritage asset is insufficient to safeguard its rural context. We recommend that the number is substantially reduced to allow for an enlarged buffer area and that the policy makes specific reference to the heritage asset.

WLP7.5 Land North of the Street, Somerleyton
This is a highly sensitive site with numerous heritage constraints and we question whether 10 houses can be accommodated without causing harm to the setting of designated and non-designated heritage assets. We recommend a lower number of dwellings solely on the brownfield part of the site and the retention of the green open space.

WLP7.6 Mill Farm Field, Somerleyton
Include within the policy the requirement for a heritage asset assessment to be undertaken by a suitably qualified person as part of any planning permission in order to fully consider the impacts upon designated heritage assets including listed buildings, setting of conservation area and historic park and garden.

WLP7.7 Wangford Land North of Elms Lane
We recommend that the policy includes reference to the site being within the AONB and is cross referenced to policy WLP8.33 Landscape Character to recognise the sensitivity of the site.

WLP7.8 Wangford Land North of Wangford Road
We recommend that the policy includes reference to the site being within the AONB and is cross referenced to policy WLP8.33 Landscape Character to recognise the sensitivity of the site.

WLP7.11 Land South of Southwold Road, Brampton
We consider that the number of dwellings at 50 is disproportionately large in relation to the existing 190. The scale of the development will mean that the landscape impacts will be hard to mitigate.
WLP7.13 Ilketshall St Lawrence
We consider that the number of dwellings at 25 is disproportionately large in relation to the existing 79. The scale of the development will mean that the landscape impacts will be hard to mitigate.

WLP7.14 Land East of The Street, Lound
We object to the proposed development of this site which is important to the wider setting of St Johns Church and views into and out of the church environs.

WLP7.15 Mutford South of Chapel Road
We recommend that the policy includes reference to the site being wholly within the AONB and is cross referenced to policy WLP8.33 Landscape Character to recognise the sensitivity of the site.

WLP7.16 Mutford North of Chapel Road
We recommend that the policy includes reference to the site being adjacent to, and therefore affecting the setting of, the AONB and is cross referenced to policy WLP8.33 Landscape Character to recognise the sensitivity of the site.

WLP7.17 Land North of School Road, Ringsfield
We consider that the number of dwellings at 40 is disproportionately large in relation to the existing 137. The scale of the development will mean that the landscape impacts will be hard to mitigate. The settlement has a linear form and we consider that the site could accommodate a much reduced size of development that follows this established morphology.

WLP7.20 Sotterley Road, Willingham St Mary
We consider that the number of dwellings at 30 is disproportionately large in relation to the existing 135. The site is poorly related to the village edge and would have a harmful impact on the landscape character as it intrudes into the countryside. The scale of the development will mean that the landscape impacts will be hard to mitigate.

District Wide Strategic Planning Policies:

WLP8.27 Renewable Energy
The Society recommends that the supporting text to this policy includes reference to design policy WLP8.29. Design issues can apply equally to renewable energy proposals. Omitting reference to that policy in para 8.146 might suggest otherwise to planning agents and/or their clients.

WLP8.33 Landscape Character
The Society considers that the draft plan gives AONBs the same policy status as locally sensitive landscapes. This fails to acknowledge the national importance of AONBs and should specifically refer to paras 115 and 116 of the NPPF. These specify that great weight should be given to conserving the landscape and scenic beauty of AONBs and that major development should only be permitted in exceptional circumstances where it meets the specified tests set out in para 116. I note that the Colchester Borough Council Draft Local Plan has a much more robust policy that is
dedicated to the Dedham Vale AONB. The Society refers you to the policy below and recommends that a similar policy is adopted in the Waveney Plan to ensure that adequate protection of national landscape designations is made.

**POLICY ENV4 – DEDHAM VALE AREA OF OUTSTANDING NATURAL BEAUTY**

Development will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty (AONB) that:

(i) Makes a positive contribution to the special landscape character and qualities of the AONB, including tranquillity;

(ii) Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement;

(iii) That there are no adverse impacts on the setting of the AONB which cannot reasonably be mitigated against and,

(iv) Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.

Applications for major development within or in close proximity to the boundary of the Dedham Vale Area of Outstanding Natural Beauty will be refused unless in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

Where exceptional development is essential, landscape enhancements, mitigation or compensation measures must be provided to the Local Planning Authority’s satisfaction. Any proposals affecting existing development that adversely affects the landscape qualities of the AONB, or its setting will be expected to satisfactorily mitigate this impact as part of any new development proposals.

Proposals for solar farm development or wind farms in or near the Dedham Vale AONB should have regard to the advice in the Council’s Guidance Note ‘Designing solar farm renewable energy development’ and in the ‘Dedham Vale AONB Position Statement Renewable Energy in the Dedham Vale Area of Outstanding Natural Beauty (March 2013).

The Council will also encourage proposals in or near the AONB to underground new infrastructure associated with electricity schemes, where financially viable, to help protect the high landscape qualities of the Dedham Vale. (Colchester Borough Council Draft Local Plan)

**WLP8.35 Heritage Assets**

This policy lacks rigour and does not follow national guidance. The Society recommends that the terminology more closely reflects that of the NPPF and includes reference to the terms significance, substantial and less than substantial harm, and public benefit. We draw your attention to the policy below which the Society considers is a good example and recommends is used in place of the draft policy

**Historic Environment**

Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including development that adversely affects the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.

Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset, in the first instance, unless there are no identifiable opportunities available. In instances where existing features have a negative impact on the historic environment, as identified through character appraisals, the Local Planning Authority will request the removal of the features that undermine the historic environment as part of any proposed development. The Local Planning Authority will request the provision of creative and accessible interpretations of heritage assets impacted by development.

Conservation of the historic environment will also be ensured by:
(i) Identifying, characterising, protecting and enhancing Conservation Areas;
(ii) Protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep;
(iii) Preserving and enhancing Listed Buildings, Scheduled Monuments, Historic Parks and Gardens, including their respective settings, and other features, which contribute to the heritage of the Borough; and
(iv) Sites of archaeological interest will be clearly identified and protected, and sites that become known, whether through formal evaluation as part of a Planning Application or otherwise, will similarly be protected according to their importance.

Heritage Statements and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures. (Colchester Borough Council Draft Local Plan)

WLP8.36 Locally Listed Buildings and Non Designated Heritage Assets

The policy uses a variety of different terms: Non Designated Heritage Assets, Locally Listed Building, a building of historic or local significance and locally important. To avoid confusion one term should be used, preferably that of Non Designated Heritage Asset as used in the NPPF, to describe buildings which are on a local list or are given the status as part of a planning application process.

The Society welcomes the inclusion of local lists in Neighbourhood Plans. However the Society has noted that there is inconsistency in how policies relating to non-designated heritage assets are handled amongst Independent Examiners of Neighbourhood Plans across Suffolk. One Examiner excluded any reference to locally listed buildings outside of the designated conservation area. It is therefore important that the Waveney policy is clear that non-designated heritage assets can be located inside and outside conservation areas. Although buildings in conservation areas are protected from demolition and in Waveney are also subject to Article 4 Direction, there are instances where the inclusion of a specific building on a local list is justified. Buildings identified as non-designated heritage assets which are outside conservation areas are also afforded a level of protection through NPPF para. 135. We therefore recommend that the policy should be explicit that locally listed buildings within a NP might fall inside or outside of a conservation area (unlike the existing Waveney Local List which predominately contains buildings contained within or adjoining a conservation area).
Another NP Independent Examiner erroneously, in the opinion of the Society, rejected a policy to collate a list of non-designated heritage assets as it was deemed to be task for the local authority. Therefore in order to comply with the appropriate wording of the NPPF (Annex 2, Glossary, Definition of heritage assets), the Society recommends the final sentence of the policy is amended to read:

*Neighbourhood Plans can identify other buildings of historic or local significance (non-designated heritage assets) in conjunction with the local authority*

**WLP8.37 Conservation Areas**

Local Planning Authorities must register all valid applications for outline planning permission. However, if these applications provide insufficient detail to fully consider the effects of the proposal on the conservation area the LPA can require these details to be provided before the application is considered. The supporting text could usefully identify this point to assist applicants and their agents of the LPAs expectations when developing sites within conservation areas.

**Enabling Development**

We note that the Local Plan does not specifically include an Enabling Development policy and would urge clarity around this important point, in view of recent enabling development decisions at Woodbridge and St Felix School. Accordingly a policy as set out below is recommended which rigorously adopts Historic England’s criteria in their adopted guidance (2008) in determining planning applications that propose enabling development.

**Enabling Development:**
1. Planning permission will only be granted for development proposals presented as enabling development in wholly exceptional circumstances and where they represent the last resort to secure the conservation of designated heritage assets.
2. Planning permission will only be granted for development proposals that demonstrably meet the tests and criteria set out in the English Heritage guidance Enabling Development and the Conservation of Significant Places (or guidance superseding it) and fulfil national park purposes. (South Downs National Park)

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Director
19 September 2017