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Forest Heath  
District Council

**TO: MEMBERS OF THE LOCAL PLAN  
WORKING GROUP**

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**Your reference** N/A  
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23 January 2015

Dear Councillor

## **FOREST HEATH LOCAL PLAN WORKING GROUP - WEDNESDAY 28 JANUARY 2015**

I am now able to enclose, for consideration at the Forest Heath Local Plan Working Group on Wednesday 28 January 2015, the following Appendices that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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4.	<b><u>Joint Development Management Policies Document - Planning Inspector's Report and Adoption (Pages 1 - 206)</u></b>
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Report No: **LOP/FH/15/001**

*(This report is also being considered by the SEBC Sustainable Development Working Party on 28 January 2015)*

**Appendix A** – Inspector's Report on the Examination into the Forest Heath and St Edmundsbury Joint Development Management Policies Document

**Appendix B** – Joint Development Management Policies Document tracked changes document

**Appendix E** – District Policies Map with Town Centre Maps for Newmarket, Mildenhall and Brandon

Yours sincerely

Sharon Turner  
FHDC Cabinet Officer/Committee Administrator

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The Planning Inspectorate

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# **Report to Forest Heath District and St Edmundsbury Borough Councils**

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

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 21<sup>st</sup> January 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO FOREST HEATH AND ST EDMUNDSBURY LOCAL PLAN JOINT DEVELOPMENT MANAGEMENT POLICIES DOCUMENT**

Document submitted for examination on 13 December 2013

Examination hearings held between 22 and 25 July 2014

File Ref: PINS/H3510/429/5

## **Abbreviations Used in this Report**

AA	Appropriate Assessment
CO2	Carbon Dioxide
CS	Core Strategy
DtC	Duty to Co-operate
JDMPD	Joint Development Management Policies Document
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
PSA	Primary Shopping Area
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy

## Non-Technical Summary

This report concludes that the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document provides an appropriate basis for the planning of the relevant District and Borough, providing a number of modifications are made to the plan. The Councils have specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Councils but, where necessary, I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties on these issues.

The main modifications can be summarised as follows:

- **Policy DM2** – detailed modifications in the interests of clarity and consistency with national policy (MM1);
- **Policies DM3 and DM4** – clarification that, where a site is not specifically allocated in a local plan, Masterplans and Development Briefs will be sought only exceptionally, plus detailed modifications in the interests of clarity (MM2 and MM3);
- **Policy DM5** – reordering of the policy in the interests of clarity and the inclusion of criteria subject to which economic development/business development would be permitted (MM4);
- **Policy DM6** – clarification that rainwater harvesting etc are examples of means by which on-site drainage can be managed and are not necessarily a requirement (MM5);
- **Policy DM7** – replacement of the requirement to meet the *Code for Sustainable Homes* with one relating solely to water consumption and the inclusion of criteria by which relaxation of BREEAM standards for non-residential development will be considered (MM6);
- **Policy DM8** – deletion of the policy, in the light of the Government's indicated intentions following the *Housing Standards Review* (MM7);
- **Policies DM9 and DM10** – modification to ensure that the policies do not set an embargo against low/zero carbon energy development and telecommunications development in certain areas and other detailed modifications to ensure that the policies are effective and consistent with national policy (MM8 and MM9);
- **Policies DM11 and DM12** – modifications to ensure consistency with national policy, the Conservation of Species and Habitats Regulations and terms used by Natural England (MM10 and MM11);
- **Policies DM13 and DM14** – detailed modifications in the interests of clarity and consistency with paragraph 204 of the *National Planning Policy Framework* (MM12 and MM13);
- **Policy DM15** – the inclusion of requirements in respect of protecting/enhancing natural resources and minimising pollution (MM14);
- **Policies DM16, DM17, DM18 and DM19** – modification to indicate that it is the significance of heritage assets which should be protected and to include the balance of harm/public benefits test set out in national policy

- (MM15, MM16, MM17 and MM18);
- **Policy DM21** – modification to ensure the adequate recording of heritage assets (MM19);
  - **Policy DM23** – detailed modifications in the interests of the effectiveness of the policy (MM20);
  - **Policy DM24** – modification to clarify the sites on which development to meet special housing needs would be deemed appropriate (MM21);
  - **Policy DM25** – modification to remove the, unlikely to be necessary and achievable, requirement that annexes are not capable of being used as a separate dwelling (MM22);
  - **Policies DM26, DM28 and DM29** – detailed modification of wording in the interests of clarity (MM23, MM24 and MM25);
  - **Policy DM30** – deletion of the unjustified requirement to secure contributions to improve employment prospects from developments deemed acceptable by the policy (MM26);
  - **Policy DM32, DM33 and DM34** – detailed modification of wording in the interests of clarity and, in policy DM32, to ensure protection of the landscape (MM27, MM28 and MM29);
  - **Policy DM35** – introduction of a requirement for a sequential approach to the selection of sites for main town centre uses and for impact assessments for out of centre development (MM30);
  - **Policy DM36** – inclusion of criteria indicating the development likely to be appropriate in local centres (MM31);
  - **Policy DM37** – modification to ensure consistency with paragraph 204 of the Framework (MM32);
  - **Policy DM38** – deletion of the unjustified requirement for advertisements to be related to their site (MM33);
  - **Policies DM41, DM42, DM43, DM45, DM46 and DM51** – modification to ensure consistency with paragraph 204 of the Framework, to ensure clarity and (in policy DM43) to take account of all benefits, not just employment (MM34, MM35, MM36, MM37, MM38 and MM43);
  - **Policy DM47** – detailed modification of wording to ensure clarity and consistency with national policy (MM39);
  - **Policy DM48** – detailed modification of wording to assist clarity and to include an “unless the benefits would significantly outweigh the harm” clause (MM40);
  - **Policy DM49** – modification to make explicit the exceptional circumstances in which redevelopment of sites relating to the horse racing industry will be permitted (MM41);
  - **Policy DM50** – deletion of the policy (MM42);
  - **Policy DM52** – inclusion of a clause permitting, in exceptional circumstances, a small number of market homes on rural exception sites (MM44); and
  - **Town centre maps** - revisions (including to denote Primary Shopping Areas as areas, as opposed to frontages) to ensure consistency with national policy (MM45, MM46, MM47, MM48 and MM49).

## Introduction

1. This report contains my assessment of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (JDMPD or "the 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The *National Planning Policy Framework* (paragraph 182) makes clear that to be sound, a local plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the Submission Document of October 2012, which was published for consultation in that month.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Councils requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Councils prepared a schedule of proposed main modifications (on which an updated Sustainability Appraisal and Habitats Regulations Appropriate Assessment Screening were carried out) and this schedule has been subject to public consultation for a period of six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and have made some amendments to the detailed wording of the modifications. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.
5. The main modifications have resulted in the renumbering of many of the plan's policies, the policies' individual criteria and the paragraphs of the accompanying text. To avoid confusion, and except where explicitly indicated to the contrary, I refer in this report to the policies, criteria and paragraphs as numbered in the Submission Document of October 2012. In addition to the main modifications the Councils have proposed a number of additional modifications. These address typographical errors, minor factual updating and the updating of supporting text to align it with the main modifications.

## Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the plan's preparation. The key strategic matters relating to

sustainable development in Forest Heath and St Edmundsbury are already settled in the relevant Core Strategies, adopted in 2010.

7. The JDMPD contains policies which generally deal with less strategic issues. However, as detailed in the Councils' August 2013 *Record of Co-operation* document, the plan has been prepared in collaboration with a range of organisations. Appendix 4 of this document details, against each of the plan's policies, the authorities/bodies with which the Councils sought to co-operate (including Suffolk County Council, the adjoining District/Borough Councils and English Heritage) and the nature of the joint working in each case. This includes joint working, through the Breckland Planning Forum, comprising local authorities, Natural England, the RSPB and others, in respect of protection of the Breckland SPA. There is no evidence of the Councils failing to engage with the appropriate bodies on any matter of strategic significance. Consequently, having regard to the *Record of Co-operation* and all other evidence that I have read and heard, I am satisfied that the Councils have complied with the Duty.

## Assessment of Soundness

### Main Issues

8. The plan has been prepared to support the adopted Core Strategies for Forest Heath and St Edmundsbury and the adopted St Edmundsbury Vision 2031 Local Plan. These documents set out policies for strategic development needs across the District and Borough, including housing, employment, retail and leisure. In support of the Core Strategies the JDMPD sets out detailed policies in the light of which applications for development can be prepared and against which they can be determined. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings, I have identified six main issues upon which the soundness of the plan depends.

### **Issue 1 – Are the policies concerning sustainable growth, development and design principles positively prepared, justified, effective and consistent with national policy?**

9. Chapter 3 of the plan sets out overarching policies designed to achieve sustainable growth and to ensure that development proposals protect interests of acknowledged importance, including a number of the core planning principles set out in paragraph 17 of the Framework.

#### *Policy DM1*

10. Policy DM1 details how the Councils will implement the presumption in favour of sustainable development as set out in the Framework. Whilst the plan's policies are wide-ranging, it would not be feasible for it to include a policy to address every possible issue or situation likely to be faced during the plan's lifetime and, thus, this policy's explanation of how development proposals will be considered where there are no up to date, or relevant, other plan policies is appropriate. Moreover, whilst the views of local people are an important consideration, public opposition to a proposal is not necessarily good reason to



refuse permission for a scheme which accords with the development plan or would not cause significant harm to interests of acknowledged land-use planning importance. Consequently, policy DM1 would not be positively prepared or justified if it were to require that development proposals should not have significant local opposition.

### *Policy DM2*

11. Policy DM2 sets out the criteria against which all development proposals will be assessed and the "as appropriate" clause in the first sentence appropriately accounts for the fact that not all criteria will be relevant to all developments. Criteria (a) and (b) adequately provide for protecting and improving the character of the area in which development is proposed and it would not be justified for the "preserve or enhance" test set out in criterion (c), which is derived from the statutory test relating to Conservation Areas, to be applied everywhere. However, in the interests of clarity, and thus effectiveness, it is necessary for criterion (d)'s reference to landscape/townscape character appraisals to be incorporated in criterion (a). Criterion (h) requires that development does not affect adversely a range of specific interests, although to be effective and justified it is necessary for it to indicate that mitigation measures will be taken into account. This modification would retain the requirement for adverse effects to be avoided. Other policies of the plan set out detailed criteria for development affecting listed buildings, parks/gardens of special interest and other heritage assets and, thus, it is not necessary for policy DM2 to repeat these.
12. In the interests of the reuse of existing resources and securing a good standard of amenity, which paragraph 17 of the Framework sets out as core planning principles, facilities for refuse/recycling storage and litter/animal waste etc can be appropriately required through the planning application process. Consequently, reference to these requirements in the plan is therefore not unnecessary prescription and criterion (n) is thus justified and effective, albeit that it should be subject to a "where necessary" clause.
13. The required modifications to policy DM2 referred to above are all included in **MM1**, which is thus necessary to the soundness of the plan.

### *Policies DM3 and DM4*

14. Policies DM3 and DM4 concern Masterplans and Development Briefs. They can be an important aspect of positive planning, are supported by the Department of Communities and Local Government's *Planning Practice Guidance – Design* as a means of achieving good design and, with appropriate procedures in place, they should not inappropriately delay development. However, as currently written the policies are ambiguous as to when Masterplans and Development Briefs will be required. To accord with already adopted plans in the area it is appropriate for Masterplans to be required on "allocated" sites for which a Concept Statement has been prepared. Additionally Masterplans and Development Briefs may be necessary in connection with a development proposal as a result of its size, location or proposed mix of uses. However, to ensure that the policies are justified and effective it is necessary for them to

be modified to state that, in such circumstances, Masterplans/Development Briefs will be required only exceptionally.

15. Moreover, to avoid inconsistency, policy DM3 requires modification to indicate that Masterplans will be required to be based on Concept Statements only where they exist and to remove the requirement of criterion (b) for Development Briefs to be also prepared on a site which is the subject of a Masterplan. Whilst they are likely to be required only exceptionally it is not possible to foresee every circumstance in which Masterplans or Development Briefs on non "allocated" sites will be necessary and, thus, it would not be appropriate to set a threshold of, say, a scheme of 500 dwellings for their preparation: in certain instances a Masterplan/Development Brief may not be necessary for a scheme of such scale, whilst in other instances they could be needed for smaller developments.
16. As discussed at the hearings approval by the Councils of a Development Brief can successfully take place during the determination of a planning application. Consequently, there is also no justification to require this to be completed prior to the application's submission and it is, thus, necessary to modify the policy to state that the Development Brief must be approved prior to the relevant planning application's determination. I agree with the representation that "justified (as opposed to "determined") by the local planning authority" is more appropriate wording in respect of the exceptional circumstances when Masterplans/Development Briefs will be required. I am therefore recommending slightly reworded modifications to address this, although I am satisfied that it does not materially alter the direction of the policies.
17. Whilst appropriately referred to in the overarching policy DM2, it would not be justified to require precise details of composting, litter and dog waste bins at Masterplan stage and, thus, it is necessary to delete the references to these in criterion (p) of policy DM3. For the same reason specific reference in policies DM3 and DM4 to woodland belts, footpaths and cycle links and mitigation of effects on the historic environment are not necessary. Moreover, since Masterplans and Development Briefs are intended to guide development on specific sites, it is not necessary or appropriate to require their preparation for each Key Service Centre. However, in many circumstances (and it should be noted that policy DM3's criteria are the subject of a "where appropriate" clause) measures and funding to reduce dependence on the car, the principles of accommodating waste and recycling facilities and the timing and funding of supporting infrastructure will be fundamental to the acceptability of a development which is the subject of a Masterplan. Consequently, these particular requirements of policy DM3 are justified.
18. The required modifications to policies DM3 and DM4 are all included in **MM2** and **MM3** which are thus necessary to the soundness of the plan.

#### *Policy DM5*

19. In support of the Framework's core planning principles, policy DM5 seeks to ensure that development is managed in recognition of the intrinsic character and beauty of the countryside. The policy is positively prepared in terms of supporting thriving rural communities and identifies the development which

will be permitted in the countryside. However, as currently drafted, it is not clear how its criterion (a) requirement, that there is a need for a development in the countryside to be justified, relates to the list of new and extended buildings it states will be permitted. **MM4** addresses this ambiguity by deleting the criterion (a) requirement and it is, thus, necessary for the policy to be effective and justified. To accord with paragraph 28 of the Framework **MM4** also allows, subject to appropriate criteria, for proposals for economic growth and expansion of all types of business in the countryside, which would include nurseries and garden centres.

20. Paragraph 112 of the Framework indicates that the benefits of best and most versatile agricultural land should be recognised and that, where significant development of agricultural land is demonstrated to be necessary, authorities should seek to use areas of poorer quality land in preference to higher quality land. Best and most versatile land is a valuable, but limited, resource nationally and that there is an above average supply of it in Forest Heath and St Edmundsbury is not good reason to permit its loss. In my view the positively worded policy DM5 (as modified by **MM4**) statement that economic growth/business expansion will be permitted where it will not result in the irreversible loss of best and most versatile agricultural land is not inconsistent with this element of national policy.
21. Wording the policy so as to permit economic development proposals which can demonstrate that use of agricultural land is necessary and that there is no suitable lower quality agricultural land available would be likely to dilute the overall aim of recognising the economic and other benefits of best and most versatile land. Moreover, policies cannot be written to account for all possible eventualities and any benefits of a specific scheme would be weighed against the plan policy as material considerations in determining a planning application. There is a clear distinction between this policy and policy DM31, which concerns farm diversification – a type of development for which use of agricultural land is more likely to be demonstrated to be necessary than is the case with non-farm based economic development.
22. The development limits against which policy DM5 will be applied are of strategic importance and are, thus, appropriately set out in the relevant Core Strategies and Site Allocation Plans, rather than in the JDMPD. Major developments, such as strategic urban extensions, are also appropriately considered through the Core Strategies. The avoidance of light pollution is set out in policy DM2 and it is not necessary for this to be repeated in DM5.

#### *Policy DM6*

23. In support of the Framework's core planning principle of taking account of flood risk, Policy DM6 sets out requirements for development in this respect. However, for the policy to be justified and effective, **MM5** is necessary to make clear that water recycling is a possible means by which flooding can be minimised but is not necessarily a requirement in all development. Locating development so as to avoid on-site flooding and to prevent its exacerbation elsewhere is appropriately dealt with in other adopted local plan documents.

### *Policies DM7 and DM8*

24. Policies DM7 and DM8 concern sustainable design and construction, energy efficiency and reducing carbon dioxide emissions. Policy DM8's requirement that new development should achieve a 10% reduction in residual CO2 emissions, beyond compliance with Building Regulations, runs contrary to the Government's stated intentions, in response to the *Housing Standards Review*, of a "Building Regulations only" approach to addressing a range of standards for new homes. Thus, a modification, **MM7**, to delete this policy is appropriate. For the same reasons it is necessary to modify policy DM7 (**MM6**) to delete the requirements it sets for new residential development in respect of the *Code for Sustainable Homes*. It would thus be inappropriate for the policy to set additional requirements in respect of *Lifetime Homes* standards. The relevant Core Strategies consider the transport implications of development in their policies concerning the location of new development and policies DM45 and DM46 of the JDMPD set out requirements by which private car use can be minimised. In the light of this it is not necessary for policies DM7 or DM8 to also address this matter.
25. The Government has indicated that, through a local plan policy, a higher level of water efficiency (of 110 litres/person/day) than that to be included in Building Regulations can be applied in respect of new residential development in areas with specific local needs. There is evidence through the *Hyder Water Cycle Study* and in the form of representations from Anglian Water and the Environment Agency that Forest Heath and St Edmundsbury is an area of water stress. Anglian Water has also stated that the *Code for Sustainable Homes* level 3/4 standard of 105 litres/person/day (as originally proposed in the plan) would be consistent with its overall supply-demand strategy for Cambridgeshire and West Suffolk. In the light of this the introduction through **MM6** of a 'no more than 110 litres/person/day' water consumption requirement for new residential development in policy DM7 is justified and consistent with national policy.
26. The *Housing Standards Review* does not address non-residential development. Thus, in line with the Framework's core planning principle of supporting the transition to a low carbon future, it is appropriate for policy DM7 to require that (post 2013) such development (exceeding 1000 sq m) achieves BREEAM "Excellent" standard or equivalent. However, to ensure that the policy is justified the **MM6** modification, adding clauses to permit relaxation of this requirement where it is not possible due to inherent constraints within the site or because it would compromise the viability of the development, is necessary. Developers would not be precluded from addressing these matters in a Sustainability Statement submitted with a planning application. The extent to which the BREEAM "Excellent" requirement can be viably be met is likely to vary significantly from scheme to scheme, although there is no evidence to indicate that it would be unviable in such a significant proportion of cases as to render the requirement, which is subject to feasibility and viability clauses, unjustified. Moreover, bearing in mind these clauses, there is no persuasive evidence to support the exclusion of certain types of development from the policy's requirements.

27. Building Regulations applications will often be made after planning permission has been granted and there is the potential for the former's energy efficiency requirements to conflict with design details approved under the latter. The **MM6** modification to policy DM7, to require details in the Design and Access Statement submitted with planning applications of how Building Regulations' energy requirements will be addressed, is therefore justified and necessary to ensure that the policy is effective. However, to align with this, it is appropriate to slightly reword ("optimise" in place of "maximise") the **MM6** modification of the first sentence of policy DM7. This revision provides clarity rather than materially altering the direction of the modification.

#### *Policy DM9*

28. Policy DM9 is a positively prepared approach to supporting low and zero carbon energy generation in line with the Framework's core planning principle of supporting the transition to a low carbon future. Criterion (a) does not require developers to demonstrate the overall need for low/zero carbon energy generation; it merely requires the forecast carbon saving benefit of specific proposals to be quantified. This is necessary in order that the benefits of a specific proposal can be weighed in the planning application process against any harm which it would cause, although it would not be appropriate to set a minimum level of efficiency for such proposals. However, whilst it is appropriate to require that such development in or visible from Conservation Areas and other protected sites/assets should be of the highest standards of siting, there is no persuasive evidence to justify criterion (g) which effectively sets an embargo against low/zero energy generation schemes in these areas. **MM8**, to delete this criterion, is consequently necessary to ensure that the policy is justified.

#### *Policy DM10*

29. For similar reasons **MM9** which would delete criteria (a) and (d(i)) of policy DM10 is necessary for the policy to be justified: these criteria require justification for infrastructure services and telecommunications development and effectively set an embargo against such schemes in certain areas contrary to paragraphs 44 and 46 of the Framework. For clarity and consistency with policy wording elsewhere in the plan, and thus the policy's effectiveness, it is also necessary, as proposed by **MM9**, for the "will normally be" clause of the policy's second sentence to be deleted and for an additional criterion to be included concerning the effect of schemes on the safety/accessibility/amenity of the highway.
30. The requirement for planning applications to be accompanied by evidence of consultation with nearby schools/colleges, although also covered by the *Code of Best Practice for Mobile Network Development in England (2013)*, is justified having regard to paragraph 45 of the Framework. The criterion is worded (using "sufficient" and "appropriate"), such that evidence of consultation would not be required if there were not a nearby school/college. Moreover, although a landscape and visual assessment, as required by the policy, is not a requirement of a valid application for Prior Approval under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, they are potentially important in assessing whether or not a

telecommunications development is sympathetically designed and appropriately camouflaged in accordance with paragraph 43 of the Framework.

31. The Framework also strongly supports telecommunication mast sharing and, in the light of this, policy's DM10's mast sharing requirement is justified, bearing in mind that it is subject to there being evidence that sharing is possible. However, there is no persuasive evidence that the plan is not sound in the absence of a policy seeking to encourage construction which supports high speed broadband infrastructure.
32. In conclusion, subject to the recommended modifications **MM1 – MM9**, the policies in respect of sustainable growth, development and design principles are positively prepared, justified, effective and consistent with national policy and they, thus, provide a sound basis for managing development in Forest Heath and St Edmundsbury.

## **Issue 2 – Are the policies concerning the natural and historic environment positively prepared, justified, effective and consistent with national policy?**

### *Policy DM11*

33. Policy DM11 sets out criteria by which the effect of development on sites of biodiversity and geodiversity importance will be assessed. It is appropriate for the first sentence of the policy to refer to proposals which may have an adverse impact on nature conservation sites or interests as the trigger for assessment against the listed (a) – (g) criteria. However, **MM10** modifies the wording of the second part of the policy to refer to adverse effects on the integrity of areas of international conservation/geological importance, in line with the relevant regulations, and to align its wording, in connection with effects on SSSIs, with that of paragraph 118 of the Framework. This modification is thus necessary for the policy to be consistent with national policy. The precise wording of **MM10**, in connection with schemes likely to have an adverse effect on a SSSI, accords with that set out in the Framework and to amend it would be likely to result in less, rather than more, clarity.
34. Sites of biodiversity/geodiversity importance, other than SSSIs and those of international designation, are subject to the clause of the policy which states: "proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not be permitted". However, to make this clear it is appropriate for this sentence to be a paragraph in its own right rather than part of the paragraph concerning SSSIs as originally proposed in the main modification.

### *Policy DM12*

35. For consistency with the terms used in Natural England's standing advice, and thus for clarity and effectiveness, **MM11** is necessary to ensure that policy DM12 requires development to "maintain the population [of a protected species] on site" (as opposed to "facilitate the survival of the protected species"). Whilst I recognise that enumerating the population of a protected species may not be straightforward, it is nonetheless appropriate for the policy

to seek to maintain the existing population, as opposed to the more vague, and potentially lesser, requirement of facilitating the survival of the species. The policy as a whole accords with the "mitigation hierarchy" of "avoid, mitigate, compensate" and, thus, specific reference to the hierarchy is not necessary to its soundness .

#### *Policy DM13*

36. Policy DM13 sets out requirements for development proposals to incorporate measures to protect biodiversity and mitigate against any adverse impacts. In order that the policy is justified, in the light of paragraph 204 of the Framework, **MM12** is needed to make clear that contributions through s106 agreements towards biodiversity management projects and monitoring of visitor pressure will only be sought in cases where developments are shown to be likely to contribute towards recreational disturbance and visitor pressure in the Breckland SPA and SAC. For clarity, and thus the effectiveness of the policy, this modification's reference to measures to improve water quality is also necessary. Whether or not a Supplementary Planning Document would assist implementation of the policy is not a matter which would affect the soundness of the policy itself or the plan as a whole.

#### *Policy DM14*

37. In accordance with paragraph 109 of the Framework, Policy DM14 seeks to protect the character of the landscape but is positively prepared in setting out the type of development which will be permitted. However, to be justified, it is important that the policy makes clear that development should protect (or enhance) the character of the landscape, which may include the setting of settlements, the gaps between them and the nocturnal character of the landscape, rather than require protection of these features for their own sake. Modification **MM13** is therefore necessary and for clarity, and thus effectiveness, this includes reference to "other valued landscapes". I recommend a slightly reworded **MM13** to that proposed by the Councils in order to make clear that it is the significance (to landscape character) of gaps between settlements which should be protected, as opposed to protection of them for their own sake. Reference in the policy to country parkland, which the Councils contend is appropriately addressed through Site Allocation plans, is not necessary to soundness.

#### *Policy DM15*

38. Policy DM15 concerns safeguarding from hazards, including unstable land, contamination and hazardous substances. However, the plan does not elsewhere address in detail the matter of development proposals being designed to minimise emissions/pollution in order to protect public health and safety and air, land and water quality. In the light of paragraphs 120-122 of the Framework, **MM14** is thus necessary to the soundness of the plan.

#### *Policies DM16 – DM22*

39. In line with one of the core planning principles of the Framework, policies DM16 to DM21 seek to conserve heritage assets, including listed buildings,

conservation areas, parks and gardens of historic interest and local heritage assets. To accord with national policy (paragraphs 129, 133 and 134 of the Framework), and to be positively prepared, it is necessary for policies DM16 and DM17 to refer to the effect of development on the significance of the building, to the weighing of any harm against public benefits and to identify the proposals which "will" (as opposed to "will only") be permitted. These modifications are included in **MM15** and **MM16**, which are thus necessary to the soundness of the plan, and there is no persuasive evidence that, subject to these modifications, the policies would be likely to result in a significant number of listed buildings or local heritage assets lying empty. Both policies include criteria concerning building materials through which the employment of traditionally-used materials can be secured if necessary in the case of a specific proposal.

40. In the context of the, as recommended to be modified, positively worded policy DM16, which would identify that proposals which respect the significance of listed buildings will be permitted, the reference to balancing any harm against public benefits would not appear as an 'afterthought'. Moreover, the proposed text, in this particular regard, summarises but does not conflict with guidance in the Framework and would apply whether the harm caused by a proposal to a listed building is identified to be substantial or less than substantial. Full repetition of the guidance in paragraphs 133 and 134 of the Framework is thus not necessary to the soundness of this policy, nor indeed any other. Read in the context of the Framework's paragraph 132 statement that great weight should be given to the conservation of heritage assets, the policy's statement that proposals to demolish all or part of a listed building will only be permitted in very exceptional circumstances is appropriate. Moreover, the remainder of the policy indicates the situations in which such circumstances may exist.
41. However, I agree with the contention that, as originally proposed, **MM16** is somewhat confusingly worded. Consequently, I recommend that the proposed criteria (d) and (e) are altered to read:

"(d) have regard to the setting, plot layout and boundary features.

In the case of works which would harm a Local Heritage Asset or building protected by an Article 4 direction or its setting, clear justification for the works must be provided so that the harm can be weighed against any public benefits."

This alteration would merely resolve potential confusion and I am satisfied that no prejudice would be caused by the fact that it has not been the subject of public consultation.

42. **MM17** and **MM18** are also required to ensure that policies DM18, concerning development in Conservation Areas, and DM19 (New Uses for Historic Buildings) are consistent with national policy in terms of focussing on the significance of the heritage asset and, in the case of works causing harm to the asset's significance, providing for the weighing of the harm against any public benefits. However, to ensure that policy DM19 is internally consistent, and thus effective, it is necessary to delete the word "only" from its first



sentence and I have modified the originally proposed **MM18** accordingly. This merely addresses ambiguity in the policy and I am satisfied that no prejudice would be caused by the fact that this minor alteration has not been the subject of public consultation. However, as the policy relates specifically to uses of buildings it would not make sense for it to refer to "heritage assets", a wider term which encompasses areas.

43. Policy DM18's statement that the demolition of buildings/structures which make a positive contribution to a Conservation Area will only be permitted in very special circumstances is not inconsistent with the rest of the policy, nor indeed the Framework's paragraph 132 statement that great weight should be given to a heritage asset's conservation. Nor does this policy have excessively detailed requirements and its criteria accord with paragraph 126 of the Framework which indicates that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment. Criteria (a) – (c) in policy DM19 are, to my mind, an integral part of the assessment of whether or not a proposal protects the special significance of a building and are thus not additional or contradictory tests. Moreover, as recommended to be modified, the weighing of harm against public benefits would be clearly expressed in this policy. Since it is likely to vary significantly from building to building it is neither feasible nor necessary to define "positive contribution" in the policy.
44. Policies DM20, DM21 and DM22 seek to secure the appropriate conservation of parks and gardens of special interest and archaeological interests and set out criteria for, otherwise policy non-compliant, enabling development to secure the future of listed buildings or other heritage assets, in accordance with paragraph 140 of the Framework. Given that it concerns otherwise policy non-compliant development it is appropriate for policy DM22 to be phrased as "enabling development... will not be permitted unless....". However, for clarity, and thus the policy's effectiveness, **MM19** is necessary to require the adequate recording of archaeological investigation in policy DM21.
45. In conclusion, subject to the recommended modifications **MM10 – MM19**, the policies in respect of the natural and historic environment are positively prepared, justified, effective and consistent with national policy and they thus provide a sound basis for managing development in Forest Heath and St Edmundsbury.

### **Issue 3 – Are the policies concerning housing and homes positively prepared, justified, effective and consistent with national policy?**

46. Policies DM23 – DM28 and policy DM52 detail criteria by which residential development will be assessed. They also set out a positive strategy for meeting special housing needs and for securing appropriate housing in the countryside, including dwellings for essential rural workers. In addition to these policies new housing proposals will also be subject to settlement hierarchy, growth strategy and affordable housing policies appropriately set out in the relevant Core Strategies. Assimilating all the relevant policies could be a challenge, particularly for non-planning professionals, although I agree with the Councils that including an overarching policy on residential development in the plan could undermine the strategic role of the two relevant

Core Strategies and potentially cause confusion and inconsistency. Crucially, however, the opening paragraph of the supporting text of Chapter 5 highlights the relevance to residential development of policies in the Core Strategies.

47. Taken as a whole, along with the adopted policies of the Core Strategies, the plan's policies (subject to the recommended modifications detailed below) strike an appropriate balance between the Framework's core planning principles of recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Across this plan and the Core Strategies there are policies of relevance to military housing and, although some other authorities have one, I have seen no persuasive evidence to indicate that a specific policy in connection with this matter is necessary to the soundness of the JDMPD.

#### *Policy DM23*

48. In the interests of clarity, and thus effectiveness, it is necessary for policy DM23 to require (i) an appropriate mix of housing and unit sizes, (ii) appropriate levels of permeability of residential development, favouring sustainable transport modes and (iii) integration into future development. To be justified, and to address possible conflict with policy DM2, it is also necessary for criterion (f) to be modified such that it makes clear that proposals should seek to reduce the visual dominance of highways/parking facilities whilst still meeting highway safety standards. These modifications are included in **MM20** which is thus necessary to the soundness of the plan. However, having regard to the other policies in the plan which concern the design of all development, it is not necessary to specifically refer to the best characteristics of the area in policy DM23. Whilst, in the light of the *Housing Standards Review* it is not necessary or appropriate for this policy to set specific criteria in connection with *Lifetime Homes Standards*, criteria (k) – (n) are justified having regard to the Framework's core planning principle of seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

#### *Policy DM24*

49. **MM21** appropriately clarifies that, in respect of policy DM24, sites deemed appropriate for residential development are as identified by other policies in the plan and other adopted local plans. This modification also alters "will be supported" to "will be permitted" in the interests of clarity and to ensure consistency with other policies. **MM21** is thus necessary for the effectiveness of the policy. However, in the light of the Framework's core planning principle that patterns of growth should be actively managed to make fullest possible use of public transport and to focus significant development in locations which are or can be made sustainable, criterion (c) of policy DM24 is appropriate. Moreover, the criterion does not set any specific standards in terms of access to public transport or other facilities and can thus be applied appropriately having regard to the different levels of service provision in urban and rural areas. Given that improvements to health care facilities are the subject of policies in the relevant Core Strategies there is not a need for policy DM24 to include a specific requirement, over and above that set out in criterion (c), in this respect.

### *Policy DM25 – DM28*

50. **MM22** removes the requirement of policy DM25 that a proposed residential annexe in the countryside is not capable of being used as a separate dwelling. This modification is necessary to ensure that the policy is effective, given that by their very nature many annexes would be readily useable as a separate dwelling, and is justified, having regard to the policy's separate and specific statement that occupation of annexes as a separate dwelling will be prevented by condition or legal agreement. For clarity and consistency with other policies **MM23** and **MM24** are required in order that policies DM26 and DM28 indicate what "will", as opposed to the ambiguous "may", be approved. In line with the recommended modification to policy DM14, **MM24** is also necessary in terms of making clear that it is harm to a visually important gap that proposals should avoid; the policy's current requirement that housing in the countryside will not be permitted where there is a visually important gap, irrespective of whether or not any harm is caused by the proposal, is not justified. Having regard to the Framework's statement that new isolated homes in the countryside should be avoided, policy DM28 appropriately balances the need for housing in rural areas with the importance of recognising the intrinsic character and beauty of the countryside.

### *Policy DM29*

51. Policy DM29, which concerns residential use of redundant buildings in the countryside, is currently ambiguous and it is not clear how the listed (a) to (d) criteria relate to the special circumstances stated to be required for such proposals to be permitted. **MM25** addresses this ambiguity and is thus necessary to the policy's effectiveness. Paragraph 55 of the Framework is clear that isolated new homes in the countryside should be avoided unless there are special circumstances. It lists examples of such circumstances but this is not a definitive list and the Framework does not state that planning authorities should not first seek non-residential uses for redundant buildings in the countryside. Indeed, at paragraph 28, the Framework specifically encourages the growth of all types of business in rural areas through conversion of existing buildings. Consequently, policy DM29, as recommended to be modified, does not conflict with national policy. Moreover, it has always been the case that some proposals contrary to national or local policy are defined as Permitted Development and can thus, nonetheless, proceed. This does not undermine the soundness of policy DM29.

### *Policy DM52*

52. Policy DM52 sets out criteria against which proposals for rural exception sites in St Edmundsbury will be assessed. However, for clarity and thus effectiveness, it is necessary for it to explicitly state that it applies only to St Edmundsbury Borough. There is evidence that allowing some market housing on such sites would facilitate the provision of affordable housing and thus reference to this in the policy is also necessary to its effectiveness. **MM44** includes these modifications and is, consequently, necessary to the soundness of the plan. Paragraph 54 of the Framework states that local authorities should consider such a provision but does not require its inclusion in a plan. Indeed, the Framework's Glossary indicates that small numbers of market homes may

be allowed at the local authority's discretion. In this context, and bearing in mind that rural exception sites are ones not otherwise appropriate for housing, the recommended modification which would permit market homes only where essential to facilitate the delivery of affordable units is justified and consistent with national policy.

53. In conclusion, subject to the recommended modifications **MM20 – MM25** and **MM44**, the policies in respect of housing and homes are positively prepared, justified, effective and consistent with national policy and they thus provide a sound basis for managing development in Forest Heath and St Edmundsbury.

**Issue 4 – Are the policies concerning sustainable economic and tourism development, retail, community facilities and leisure and transport positively prepared, justified, effective and consistent with national policy?**

54. Chapters 6, 7 and 8 of the plan set out policies which seek to manage development relating to economic/employment uses (including farm diversification and equine related development), tourism, town centre uses and sports, recreation, leisure and cultural facilities and transport. Subject to my recommendations below they are positively prepared, seeking to support development which would not cause demonstrable harm and are supportive of the relevant Core Strategies and the thrust of national policy set out in the Framework, in particular its focus on building a strong, competitive economy, ensuring the vitality of town centres and promoting healthy communities.

*Policy DM30*

55. Paragraphs 22 and 51 of the Framework advise that planning policies should avoid the long term protection for employment of sites where there is no reasonable prospect of them being used for that purpose and that planning authorities should normally approve change to residential use of commercial buildings provided that there are not strong economic reasons why such development would be inappropriate. Policy DM30 applies only to proposals expected to have an adverse impact on employment generation and to my mind this is a strong economic reason justifying careful consideration of the proposal and, thus, the policy is consistent with the Framework. Moreover, the policy is positively prepared in then setting out a number of criteria which, if met, would permit such a proposal. I am not persuaded that demonstrating compliance with the criteria would be inappropriately burdensome.
56. However, if one or more of the policy's criteria are met, it would be the case that the proposal either causes no harm or that the harm caused would be outweighed by other considerations. Therefore, requiring such proposals to contribute towards the improvement of employment prospects in the area would not be justified and it is thus necessary to delete the final sentence of the policy. For clarity, and thus the policy's effectiveness, it is also appropriate to make clear that proposals acceptable under the policy must also comply with other adopted plan policies. This would include the requirements of policy DM2 concerning residential amenity, having particular regard to any neighbouring commercial operations. These modifications are included in **MM26** which is consequently necessary to the soundness of the plan. There is

not a need to specifically refer to the re-provision or relocation of Royal Mail operations in the policy: a proposal for alternative use of a site currently and suitably used for Royal Mail operations would, in the absence of an alternative site being identified for the particular activity, be unlikely to meet any of the policy's requirements.

#### *Policies DM32 – DM34*

57. In the interests of clarity, and thus the policy's effectiveness, **MM27** is necessary to make clear that policy DM32 concerns equine related activities specifically in the countryside and that proposals for such activities should include appropriate landscape mitigation measures. Also for clarity, and for consistency with other policies, **MM28** and **MM29** are necessary in order that policies DM33 and DM34 detail the proposals which "will be permitted" as opposed to the ambiguous "will be considered favourably" and "will normally be permitted in appropriate locations" wording currently used in these policies. Criterion (c) of policy DM33, which does not set out any minimum standard which must be achieved in respect of accessibility by modes of transport other than the car, is not inconsistent with the Framework's paragraph 29 guidance that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
58. Moreover, notwithstanding the *Taylor Review*, criterion (d) of this policy accords with the Framework's core planning principle that significant development should be focussed in locations which are, or can be made, sustainable. Since criterion (c) also requires the nature and intensity of the proposal to be compatible with its rural location, there is not a need for the policy to specifically restrict B2 developments to small scale operations. Moreover, whilst C2 uses are not prohibited by the policy, there is no persuasive evidence to indicate that they should be specifically encouraged by it.

#### *Policy DM35*

59. Through **MM30** the Councils have proposed significant changes to policy DM35. In the interests of clarity the modification makes clear that the policy applies to main town centre uses and, in addition to the already listed types of development falling into this category, ensures that it specifically refers to arts, tourism, more intensive sport, health facilities and other community uses. Through the modification the policy would also require the application of a sequential approach to site selection for proposals not in a defined centre, nor allocated in an up to date local plan and would require impact assessments for retail proposals in excess of 1000 sq m gross floorspace outside Bury St Edmunds, Haverhill and Newmarket town centres and in excess of 300 sq m gross floorspace outside other defined centres. **MM30** is therefore necessary to ensure that the plan is effective and in accordance with national policy having regard to section 2 of the Framework, in particular paragraphs 24 and 26.
60. The 1000 sq m and 300 sq m thresholds accord with the recommendations of the Strategic Perspectives' *Retail Impact Threshold Advice* report. It identifies that many of Forest Heath's and St Edmundsbury's smaller centres are

potentially vulnerable to loss of trade to even relatively small-scale out of centre retail developments, for example a small-format convenience store. Having regard to the representation which refers to changing convenience shopping habits – people shopping more frequently in smaller stores – and having visited a number of the smaller centres in the area, I conclude that the 300 sq m threshold is proportionate to the potential harm which could be caused to the vitality and viability of smaller centres from out of centre retail development and is thus justified. Moreover, I have seen no persuasive evidence to justify net, as opposed to gross, floorspace thresholds.

61. Policy DM35 also sets out criteria against which proposals will be assessed to ensure that a balance between A1 and non-A1 uses is maintained in the Primary Shopping Areas (PSA) in the interests of the town centres' viability and vitality. Paragraph 23 of the Framework indicates that local plans should include such policies, and given that this document defines a PSA as the area where retail development is concentrated, the policy's criterion (a), requiring a proposal to not result in three or more non-A1 units in adjoining premises in the PSA, is justified.
62. For Bury St Edmunds, Haverhill, Brandon, Mildenhall and Newmarket the plan defines the boundaries of the town centres and the primary shopping areas within them as the basis for the application of policy DM35. In the interests of clarity, and thus effectiveness, **MM45 – MM49** modify the relevant plans to show the PSAs as areas, instead of sections of frontage as originally proposed. This means that Newmarket's Guinea Shopping Centre and Bury St Edmunds' Waitrose store are clearly defined as being within the relevant PSA. The PSA for Newmarket is based on the findings of the Strategic Perspectives' *Forest Heath Retail and Town Centre Study* which identifies linked trips between the Waitrose store there and the rest of the town centre and, although the store is separated from the rest of the town centre by a main road, I observed a significant number of people crossing this road on foot, in both directions, between the two. Moreover, it is apparent that Waitrose's car park provides 2 hours free parking for anyone visiting the town centre and the store is as close to other town centre shops as it is to the far side of its own car park. On this basis the Waitrose store is in part of the area in which retail development is concentrated and, therefore, its inclusion in the Newmarket Town Centre and PSA boundaries is justified.
63. For Bury St Edmunds and Haverhill Town Centres the plans also show Primary Shopping Frontages as defined by the adopted *Policy Map book (St Edmundsbury Vision 2031)*. The modifications also very slightly alter the boundaries for these towns to include, in Bury St Edmunds, premises which are predominantly in town centre uses and, in Haverhill, to correct a drafting error. These alterations are necessary for the town centre boundaries to be justified, in accordance with the Framework's definition of main town centre uses.

#### *Policy DM36*

64. Policy DM36 concerns Local Centres but, as originally proposed, focuses on the protection of these centres from the loss or change of use of shops and services. For clarity, and thus effectiveness, **MM31** is necessary to make clear

that the policy also applies to premises last used as a shop or service. To ensure that the plan is positively prepared the Councils have also appropriately proposed, through **MM31**, statements in the policy concerning the mix of uses which will be sought in local centres (including small scale retail development, education, leisure and recreation and health/community facilities) and to require that any new local centre is well served by sustainable modes of transport.

#### *Policy DM37*

65. To accord with paragraph 204 of the Framework **MM32** is necessary to ensure that policy DM37 requires contributions towards public realm improvements only where shown to be necessary to the acceptability of the proposed development.

#### *Policy DM38*

66. Policy DM38 sets out requirements for shop fronts and advertisements, appropriately seeking to protect the character of the area in which they are located and public safety. However, given that they can only be controlled in the interests of amenity and public safety, the policy's statement that advertisements unrelated to the site on which they are displayed will not normally be permitted is not justified. **MM33** is thus necessary to address this.

#### *Policies DM41 – DM43*

67. Policies DM41 and DM42 seek to prevent the loss of important community facilities/services and open space, sport and recreation facilities. This accords with paragraphs 17 and 28 of the Framework which indicate that planning should deliver sufficient community and cultural facilities and services to meet local needs and that local plans should promote the retention of local services in rural areas. The policy's criteria which would permit the loss of facilities where they are not, nor are likely to become, economically viable and there is either no demand for them or suitable alternative/replacement facilities are available, appropriately balances the aim of protecting important services with the need to not sterilise vacant property and land and to promote its effective use in accordance with paragraph 111 of the Framework. The policies are therefore justified.
68. However, for the sake of clarity and consistency with other policies and accordance with paragraph 204 of the Framework, and thus the effectiveness of policies DM41 and DM42, **MM34** and **MM35** are necessary to make clear the proposals which will be "permitted" (as opposed to the somewhat ambiguous "supported"), to indicate that policy DM41 also applies to premises last used as a valued facility/service, and to make clear that contributions towards the provision/improvement of community/sport/recreation facilities will be sought only where necessary to the acceptability of a development. This latter modification is important as the policies set out the fundamental basis on which such contributions will be sought. However, any resulting planning obligations will be subject to the provisions of the Community Infrastructure Levy Regulations 2010 and it is not necessary to the soundness of the plan for these to be repeated in full in these policies. Reference to

specific service providers' modernisation plans or to the suitability of buildings is not necessary to the soundness of the plan, particularly having regard to the Councils' proposed modification of the supporting text to indicate that the policy will not be applied unreasonably.

69. Notwithstanding that such an approach may have been adopted in other districts, in the light of policies in both of the relevant Core Strategies which require developers to demonstrate that sufficient infrastructure, including healthcare provision, exists or would be provided to meet the needs arising from their proposals, it is neither necessary nor justified to require the preparation of Health Impact Assessments through the JDMPD. However, as proposed to be modified, policy DM41 makes clear that developers will be required to provide (or contribute towards) new/enhanced community facilities, which includes healthcare facilities, where necessary to the acceptability of their development.
70. Policy DM41 and its supporting text do not set out a fully-inclusive list of the facilities to be protected. On this basis cultural facilities, if deemed to contribute towards the quality of community life, would not be excluded from protection and, thus, a specific reference to them is not necessary to the soundness of the plan. However, policy DM43, which sets out criteria for new facilities, as originally proposed applies only to leisure facilities. For the sake of clarity **MM36** is necessary to make clear that the policy also applies to cultural facilities and to remove the somewhat ambiguous "will normally be permitted" wording. To ensure that the policy is justified the modification also amends criterion (f) to allow any benefits, not just employment ones, to be weighed against harm caused to the countryside. Having regard to paragraph 74 of the Framework, the policy's reference to the replacement of lost sports/recreation facilities by that of an equivalent quantity and quality is justified.

#### *Policies DM44 – DM46*

71. Policies DM44 – DM46 appropriately seek to protect rights of way and, in accordance with paragraphs 32 and 39 of the Framework, detail requirements for development proposals in connection with Transport Assessments, Travel Plans and parking standards, focussing, in line with paragraphs 29 – 41 of the Framework, on promoting use of sustainable transport. To ensure consistency with the Framework's paragraph 204, **MM37** is required to make it clear that contributions towards transport infrastructure improvements will only be required where necessary to negate the transport impacts of the development. The policy will inevitably be applied in the light of the Framework's statement that development should only be prevented on transport grounds when the residual cumulative impacts of development are severe. However, within this context, it is appropriate for the policy to require such transport impacts to be "negated" as opposed to "mitigated" – the latter suggesting that partial addressing of severe transport impacts would be acceptable.
72. Whilst restricted parking provision in locations well served by public transport can assist in promoting its use, it is necessary for clarity, and therefore effectiveness, for policy DM46 to say that a reduced level of car parking provision may, as opposed to "will generally", be sought in such locations. For the same reason it is necessary for the policy to indicate the nature of the



justification required in respect of non-parking standard compliant development in rural areas. Moreover, there is no justification to restrict this proviso to economic development proposals. These modifications are included in **MM38**, which is thus necessary to soundness.

73. In conclusion, subject to the recommended modifications **MM26 – MM38** and **MM45 – MM49**, the policies in respect of sustainable economic and tourism development, retail, community facilities and leisure and transport are positively prepared, justified, effective and consistent with national policy and they thus provide a sound basis for managing development in Forest Heath and St Edmundsbury.

**Issue 5 – Are the policies concerning horse racing positively prepared, justified, effective and consistent with national policy?**

74. Based on all that I have read, heard and seen it is clear that horse racing is of particular significance to Newmarket and the surrounding area in terms of its economic importance and its distinctive character. The vision for the town, as set out in the adopted Core Strategy for Forest Heath, indicates that its position as the international home of horse racing will be preserved and enhanced. However, it also identifies that a broader range of employment, services and facilities will be available in the town and that it will be promoted further as a destination for tourists and businesses. Through policies DM47 – DM51 the Councils have sought to detail how development will be managed to achieve this balance.
75. The policies have been subject to vociferous opposition from a range of interests contending that they do not give sufficient protection to the horse racing industry and yet inappropriately restrict its freedoms, and conversely that they provide too much protection for horse racing at the expense of other development and people who live in the town.
76. Given the geographical spread of horse racing around Newmarket, and its importance to both the town's economy and character, it is appropriate that the sites currently in a use relating to the horse racing industry are protected for these uses, unless otherwise allocated in a local plan document (policy DM49). This does not mean that such a change of use would never be permitted if material considerations in a specific instance were to indicate a decision contrary to the development plan. However, the Core Strategy's aim of preserving and enhancing the horse racing industry would be unlikely to be achieved by setting out criteria identifying the (likely to be very unusual) circumstances in which such changes of use would be permitted. Whilst flexibility in local plans is desirable, paragraph 154 of the Framework makes clear that plans should have clear policies on what will or will not be permitted and where. Policy DM49 accords with this. Moreover, specifically in terms of flexibility, paragraph 153 of the Framework states that local plans can be reviewed in whole or in part to respond flexibly to changing circumstances.
77. It is also appropriate that development on other sites should not have an adverse impact on the operation of the horse racing industry, or its long term viability, unless its benefits significantly outweigh the harm likely to be caused (policy DM48). However, the horse racing industry is being protected not for

its own sake but for the contribution it makes to the economy, character and distinctiveness of Newmarket. Consequently, to ensure that development proposals contribute to these objectives, and as a balance to the protection it receives, it is appropriate that proposals relating to the horse racing industry itself demonstrate that there is a functional need and business viability (ie economic) case for the development and that it would make a positive contribution to local character and distinctiveness (policy DM47).

78. Subject to my recommended modifications detailed below, I conclude that these policies appropriately strike the balance set out in the Core Strategy's vision and are thus positively prepared. They also relate appropriately to the other policies of the plan and these other policies, including policy DM2's requirement for development not to adversely affect residential amenity, would also apply to horse racing industry development. I have restricted my consideration to the planning merits of the plan in respect of the horse racing industry and it is not appropriate for me to comment on the contentions made in respect of Competition Law and the use of public funds.

#### *Policy DM47*

79. **MM39** clarifies policy DM47's requirement for evidence of the need for a proposal relating to the horse racing industry and confirms that such development should be designed to make a positive contribution to local character and distinctiveness. The modification is thus necessary for effectiveness, it is justified as set out above and accords with paragraph 126 of the Framework which indicates that in preparing local plans authorities should take into account the desirability of securing viable uses within heritage assets which make a positive contribution to local character and distinctiveness. The policy would not inhibit successful businesses from growing further so long as there is evidence of the business viability of the new proposal.

#### *Policy DM48*

80. **MM40** modifies policy DM48 to set out examples of possible adverse impacts of development on the horse racing industry. The list is not, and could not feasibly be, exhaustive although neither is it vague; however, it is important to clarity, and thus the effectiveness of the policy, that an indication is given to developers of the main types of adverse effects they should seek to avoid. I see no reason why this list should be counterproductive. Moreover, it is likely that the noise and traffic impacts of a development, and the extent to which they would adversely affect the operation of a site in horse racing industry use, could only feasibly be determined on an application by application basis and, thus, more detailed criteria in this respect would not be a useful addition to the policy.
81. The policy is worded such that the onus would be on the local planning authority to demonstrate and justify how a proposal would have an adverse effect on the horse racing industry, rather than on developers to demonstrate that it would not. As with most of the other JDMPD policies which set out detailed requirements for new development, it is appropriate for the policy to apply to sites allocated in a local plan document. However, inevitably there will

be a presumption that an allocated site can, in principle, be developed for its proposed use without adverse effects on the horse racing industry.

82. **MM40** also adds an "unless the benefits would significantly outweigh the harm to the horse racing industry" clause to policy DM48. Having regard to securing the appropriate balance between protection of the horse racing industry and promoting other development, on which I conclude above, this modification is necessary for the policy to be justified, bearing in mind that it could potentially affect any development in the plan area, not just those on sites currently used for, or related to, horse racing. It is argued that this clause reverses the balance set out in paragraph 14 of the Framework. However, in relation to plan making, this paragraph indicates that local plans should meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Ensuring that objectively assessed needs are met in Newmarket, and the plan area more widely, is fundamentally the role of the Core Strategies and the Site Specific Allocations documents. I have seen no persuasive evidence which indicates that meeting the area's objectively assessed needs relies on changes of use of sites used for, or related to, the horse racing industry above and beyond any sites allocated, or likely to be allocated, in the Core Strategies or Site Specific Allocations Document.
83. If, over time, this situation were to change, the relevant policies would be likely to be deemed to be out of date and paragraph 14 of the Framework would apply in the consideration of a relevant planning application. Moreover, the Framework does not indicate that local plans should not include policies which permit development only where the benefits would more than outweigh the harm, and it itself includes examples of such a test.
84. Policy DM48 seeks to protect both the operational use of an existing site within the horse racing industry and the industry's long term viability. To my mind this does not preclude consideration of the short term viability of the horse racing industry whereas deleting the words "long term" would potentially preclude consideration being given to anything other than immediate harmful viability impacts.

#### *Policy DM49*

85. As originally drafted Policy DM49 seeks to permit the change of use of land/buildings in horse racing or directly related uses only in exceptional circumstances. Through the Examination the Councils have explained that, in essence, this means that permission would be granted for changes of use to other uses directly related to the horse racing industry where there is evidence that the benefit of the scheme would outweigh the loss of the existing use (and the area's character/appearance would be protected). However, they argue that there should be a presumption against the change of use to uses not directly related to the horse racing industry, unless allocated as a proposal in an adopted local plan. As detailed above I conclude that this appropriately strikes the balance between the preservation/enhancement of the horse racing industry and the promotion of other development set out in the Core Strategy.

86. However, for the policy to be both effective and justified, it is necessary for the Councils' intentions to be clearly set out in the policy. **MM41**, as consulted on, sought to provide this clarity although I agree with representations contending that, in reality, it is somewhat confusing/contradictory. I therefore recommend that the modification is revised, by reordering the text and explicitly referring to changes of use to uses not directly related to the horse racing industry. For clarity it is also appropriate to modify the references to "legally used" to "lawfully used". The amendments merely clarify the policy and do not materially alter its intention. Thus, no prejudice is caused by the revision not having been the subject of public consultation. On this basis **MM41** is necessary to the soundness of the plan.
87. Read together with the supporting text, policies DM47 – DM49 are appropriately clear in terms of what they relate to and where. Since, inevitably, it could not be an all-encompassing list it is not necessary to the soundness of the plan to define what comprises (i) development in the horse racing industry and (ii) development directly related to the horse racing industry. Moreover, whilst most such development exists and is likely to take place in and around Newmarket, it is feasible that it may take place elsewhere. It would therefore not be appropriate to define a precise boundary of the policies' application. However, in a number of instances, the supporting text for these policies (as previously proposed by the Councils to be modified) is not quite in accordance with the policies as I am recommending them to be modified, most particularly the last sentence of paragraph 9.13 which relates to policy DM49 not policy DM48 as its position in the document would suggest. The Councils have indicated that they will ensure that, through additional modifications, the supporting text will be consistent with the main modifications I am recommending.

#### *Policy DM50*

88. Policy DM50 concerns enabling development to secure the restoration of horse racing related historic assets. However, there is the potential for some conflict between it and policy DM22 which it, largely, echoes. The Councils have proposed deletion of the policy and, in the interests of the plan's effectiveness, this is necessary through **MM42**.

#### *Policy DM51*

89. Horse walks are an important aspect of the operation of the horse racing industry in and around Newmarket and of the town's character and policy DM51 appropriately seeks to retain and improve them. However, **MM43** is necessary in the interests of the policy's clarity, and thus effectiveness, ensuring that the policy refers to the "retention" (as opposed to "protection") of the walks and makes clear that legal agreements to secure improvements to these facilities will only be sought where necessary to the acceptability of a development. The rights of others to use horse walks, in situations where they are or have previously been public highway, is covered by highway legislation and is not a matter which I consider goes to the soundness of the plan.
90. In conclusion, subject to modifications **MM39-MM43**, the policies concerning horse racing are positively prepared, justified, effective and consistent with

national policy and they thus provide an appropriate basis for managing development.

**Issue 6 – Having regard to other local and national standards, would the requirements of the policies of the Joint Development Management Policies Document put implementation of the relevant local plans as a whole at serious risk?**

91. During the Examination the Council reviewed each of the JDMPD's policies and identified that 14 of them have the potential to either individually or cumulatively affect the viability of development. I have recommended that one of the policies (DM8) be deleted and another (DM7) be modified to significantly reduce its requirements in respect of residential development. In most instances the other policies' requirements are likely to be necessary to the fundamental acceptability of a development proposal in planning terms. Where this is not the case there is flexibility in the policies to relax or remove the requirements where there is evidence that it would compromise the viability of the development (eg policy DM7 in respect of non-residential development).
92. The Councils contend that the plan does not materially extend the scope or extent of policy requirements beyond those already included in adopted local policies. At my request they have provided details of the planning obligations received in respect of new development since August 2011 and there is no evidence to indicate that, to date, policy requirements have adversely affected the viability of development in Forest Heath or St Edmundsbury.
93. Consequently I conclude that, having regard to other local and national standards, the requirements of the policies of the Joint Development Management Policies Document, as proposed to be modified, would not put development in the area at serious risk.

**Other Matters**

94. Concern has been raised about the extent to which Forest Heath Council in particular sought to engage the public in the preparation of the plan. Whilst publicity about the preparation of the JDMPD was not, as originally envisaged, included in the Forest Heath Council newsletter, the Council has explained that this publication had been scrapped at the time of public consultation on the plan. However, it issued press releases and provided information about the plan, and sought the public's views on it, at public libraries and on its website.
95. As detailed below I conclude that the Councils have complied with the legal requirements in respect of public consultation on the JDMPD. It is also notable that, in addition to statutory consultees and professional and business interests, formal comments on the plan were received from a number of private individuals. Moreover, whilst I note the comments about the lack of signing of the presence of the plan documents at Council offices, there is no substantive evidence to indicate that, in this case, people who would have wished to comment on the JDMPD have not done so as a result of a lack of awareness of it. Overall, I conclude that, in line with the Framework's core planning principle, local people have been empowered to shape their

surroundings through the plan and that in this respect the plan is sound. Consultation in respect of the adopted Core Strategy for St Edmundsbury is not a matter before me.

96. Sustainability Appraisal (SA) has been part of the preparation of the plan, including in terms of the proposed main modifications. The modifications were prepared in the light of the evidence heard and presented during the Examination, including the October 2012 SA document based on the Submission Draft plan. I have taken my final decisions on the modifications having regard to the October 2014 report of the SA specifically of them.

## Assessment of Legal Compliance

97. My examination of the compliance of the plan with the legal requirements is summarised in the table below. I conclude that the plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document is identified within the approved Joint LDS of June 2013. The plan's content is compliant with the LDS and whilst its adoption date is likely to be a few months behind the September 2014 date indicated in the LDS it is more in line with that indicated in the updated LDS timeline published by the Councils in May 2014.
Statement of Community Involvement (SCI) and relevant regulations	St Edmundsbury Borough Council undertook initial consultation on the plan in compliance with its SCI adopted in February 2008. Until recently Forest Heath District Council did not have an adopted SCI in place but undertook initial consultation on the plan in accordance with the relevant regulations current at the time. In February 2014 both Councils adopted a Joint SCI and consultation on the post-submission proposed main modification changes (MMs) has been compliant with this statement.
Sustainability Appraisal (SA)	SA has been carried out, taking account of the proposed modifications, and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2014) sets out that the plan (taking account of the proposed main modification changes) would not give rise to likely significant effects on international sites either alone or in combination with the effects of other plans or projects. Appropriate Assessment is therefore not necessary.
National Policy	The plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the <i>Transforming Suffolk Community Strategy</i> which relates to both Forest Heath and St Edmundsbury.

Public Sector Equality Duty	Having regard to the contents of the <i>Equality Impact Assessment</i> of February 2013, the plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

98. The plan has a number of deficiencies in relation to 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.
99. The Councils have requested that I recommend main modifications to make the plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendices the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Malcolm Rivett*

INSPECTOR

**This report is accompanied by Appendix 1 and 2 containing the Main Modifications**

## Appendix 1 – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, and/or by specifying the modification in words in italics.

The page numbers and paragraph numbering below refer to the Submission Document of October 2012 and do not take account of the deletion or addition of text.

Reference	Page	Policy	Modification
<b>3 Sustainable Growth, Development and Design Principles</b>			
<b>MM1</b>	9 - 11	DM2 Creating Places – Development Principles and Local Distinctiveness	<p><i>Insert additional wording; delete criterion (d) and renumber subsequent criteria; delete and insert the following:</i></p> <p>a) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building <u>and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this;</u></p> <p>.....</p> <p><del>d) produce a landscape/townscape character appraisal prior to or as part of any concept statement and/or master plan;</del></p> <p>.....</p> <p><u>fe) provide, in line with national and detailed local policies (including policies in this <del>DPD</del> Plan), .....</u></p> <p><u>gf) incorporate sustainable design and construction measures and energy efficiency measures as required by Policies DM7 <del>and DM8</del> of this <del>DPD</del> Plan;</u></p> <p><u>hg) taking mitigation measures into account, not affect adversely:</u></p> <p>.....</p> <p><u>nm) where necessary, incorporate appropriate refuse and recycling facilities, compost bins, water butts and litter and dog waste bins.</u></p>
<b>MM2</b>	11	DM3 Masterplans	<p><i>Add the following to the first and third paragraphs:</i></p> <p>Masterplans will be required for proposals <u>(i)</u> on land allocated in Local Plans and the Sites</p>



			<p>Allocations DPD, where a Concept Statement has been prepared, and (ii) <u>exceptionally</u> any sites which by virtue of size, location or proposed mix of uses is <del>determined</del> <u>justified</u> by the Local Planning Authority to require a masterplanning approach. Masterplans will be based upon a Concept Statement, <u>where they exist</u>, or content of a Local Plan prepared by the Local Planning Authority.</p> <p>Where appropriate, the masterplan will <u>include an analysis of site conditions, consultation feedback and identification of key design issues, and will set out:</u></p> <p><i>Delete from criterion b) and delete and add to criterion p) as follows:</i></p> <p>b) defined neighbourhoods and development parcels <del>for which separate development briefs will be prepared</del>, including plans to show in detail how the design principles will be implemented;</p> <p>p) provision for domestic waste disposal, storage and collection, <del>a composting unit and water butt per dwelling, and</del> commercial waste and recycling facilities (as appropriate) on non-residential developments, <del>and litter and dog waste bins on areas of amenity/open space;</del></p>
<b>MM3</b>	13	DM4 Development Briefs	<p><i>Delete and add to the first paragraph, and add a new second paragraph as follows:</i></p> <p><del>Proposals for development schemes identified</del> <u>Exceptionally a Development Brief will be required for a proposal which is justified</u> by the Local Planning Authority as: <del>being of a size, location or proposed mix of uses and/or of significant local interest, will normally be</del></p> <p><u>i) being of a size; and/or</u>  <u>ii) in a location; and/or</u>  <u>iii) proposing a mix of uses; and/or</u>  <u>iv) of significant local interest such as to make this necessary.</u> <del>required to be the subject of a</del></p> <p><u>The</u> Development Brief <del>which</del> shall have been through the agreed process of consultation and approved prior to the <del>submission</del> <u>determination</u> of a planning application. Development Briefs should accord with <del>the Core Strategy,</del> Infrastructure Delivery Plan, and other policies in this DPD, <del>policy DM2 and with any relevant</del></p>

			<p>design guidance, Supplementary Planning Guidance/Documents or DPDs, and other development guidance current at the time the scheme is being prepared, and where appropriate should identify:</p> <p><u>Where appropriate, the Development Brief will include an analysis of site conditions, consultation feedback and identification of the key design issues and will identify:</u></p> <p><i>Continue with policy criteria a) to l) and Note.</i></p>
<b>MM4</b>	15	DM5 Development in the Countryside	<p><i>Re-order the policy, delete and insert the following wording:</i></p> <p>Areas designated as countryside will be protected from unsustainable development. <del>Any new sustainable development that recognises the intrinsic character and beauty of the countryside will be permitted where:</del> <u>A new or extended building will be permitted, in accordance with other policies within this DPD, where it is for:</u></p> <p><del>a) there is a justification for the development to be located in the countryside, including a demonstration of the sustainability of the proposal;</del></p> <p><del>b) it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);</del></p> <p><del>c) there will be no significant detrimental impact on the historic environment, visual amenity of the landscape or nature conservation and biodiversity interests; and</del></p> <p><del>d) there will be no significant adverse impact on the local highway network.</del></p> <p><u>a) purposes directly related to agriculture or forestry;</u></p> <p><u>b) affordable housing for local needs in accordance with other policy;</u></p> <p><u>c) development relating to equine related activities and the horse racing industry;</u></p> <p><u>d) essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside, leisure activities,</u></p>

			<p><u>and new tourism facilities;</u></p> <p><u>e) a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM26;</u></p> <p><u>f) small scale residential development of a small undeveloped plot in accordance with Policy DM27; or</u></p> <p><u>g) the replacement of an existing dwelling on a one for one basis where it can be demonstrated that:</u></p> <p><u>i) the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,</u></p> <p><u>ii) the curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM25.</u></p> <p><del>A new or extended building will normally be permitted, in accordance with other policies within this DPD, where it is for:</del></p> <p><del>e) purposes directly related to agriculture or forestry;</del></p> <p><del>f) affordable housing for local needs in accordance with other policy;</del></p> <p><del>g) development relating to the horse racing industry in accordance with other policy;</del></p> <p><del>h) essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside;</del></p> <p><del>i) a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM27;</del></p> <p><del>j) small scale residential development of a small undeveloped plot, in accordance with policy DM28 of the DPD; or</del></p> <p><del>k) the replacement of an existing dwelling on a</del></p>
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			<p>one for one basis where it can be demonstrated that:</p> <p>i) <del>the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,</del></p> <p>ii) <del>the curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM26.</del></p> <p><u>Proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:</u></p> <ul style="list-style-type: none"> <li>• <u>it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);</u></li> <li>• <u>there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and</u></li> <li>• <u>there will be no significant adverse impact on the local highway network.</u></li> </ul>
<b>MM5</b>	17	DM6 Flooding and Sustainable Drainage	<p><i>Insert the following wording, and amend the policy as follows:</i></p> <p>Proposals for all new development will be required to submit schemes appropriate to the scale of the proposal; detailing how <del>the proposed development will address the following, both within buildings and open spaces:</del> <u>on site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Examples include: rainwater harvesting and greywater recycling, and run-off and water management such as Sustainable Urban Drainage Systems (SUDS) or other natural drainage system.</u></p> <p><del>Flooding, water recycling (e.g. rainwater harvesting and greywater recycling), and run-off and water management such as Sustainable Urban Drainage Systems (SUDS) or other natural drainage system.</del></p>
<b>MM6</b>	18	DM7 Sustainable Design and Construction	<p><i>Insert and delete the following in Policy DM7:</i></p> <p>All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and</p>

			<p><u>optimise energy efficiency through the use of design, layout, orientation, materials, insulation, and construction techniques.</u></p> <p><u>In particular, proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed to ensure that either:</u></p> <ul style="list-style-type: none"> <li><u>water consumption is no more than 110 litres per person per day (including external water use) as calculated using the government's (September 2009) Water Efficiency Calculator or such standard that replaces it, or</u></li> <li><u>no water fitting exceeds the values set out in Table 1 below (or any other fittings specification that government issues to supersede this).</u></li> </ul> <p><del>All proposals for new residential development will be required to meet the following full Code for Sustainable Homes standards or an equivalent standard where appropriate. These requirements will not come into effect until successive updates to Part L of the Building Regulations become mandatory:</del></p> <ul style="list-style-type: none"> <li><del>at least Code level 3 is currently required.</del></li> <li><del>at least Code level 4 will be required for all new homes once updates to part L come into effect, (currently scheduled for 2013).</del></li> </ul> <p><del>All new non-residential developments over 1000 square metres will be required to achieve the BREEAM "Very Good" standard or equivalent until 2013 when development will be required to meet BREEAM "Excellent" standard or equivalent unless it can be demonstrated that one or more of the following conditions apply: New non-residential developments below this threshold will also be encouraged to meet this standard.</del></p> <ul style="list-style-type: none"> <li><u>It is not possible to meet one or more of the mandatory credits for an Excellent rating due to constraints inherent within the site. In this case development will be expected to accrue the equivalent number of credits by targeting other issues while achieving an overall Very Good rating.</u></li> <li><u>The cost of achieving an Excellent rating can be demonstrated to compromise the</u></li> </ul>
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			<p><u>viability of the development. In this case applicants will be expected to agree with the Council whether the target should be relaxed, or whether cost savings could be achieved in another aspect of the development.</u></p> <p><u>All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in the Plan should be identified and proposals for resolving this conflict outlined.</u></p> <p><del>The submission of Code for Sustainable Homes or BREEAM pre-assessment reports (as appropriate), will be required to demonstrate compliance. Conditions will be attached to planning permissions requiring submission of final Code certificates and post-construction BREEAM certificates (as appropriate), and such conditions will not be discharged until compliance has been satisfactorily demonstrated.</del></p> <p><del>Opportunities for the delivery of new development which surpasses the requirements outlined above will be identified for specific sites in Area Action Plans, or Concept Statements, and shall subsequently be incorporated into Masterplans or Development Briefs as appropriate.</del></p> <table border="1" data-bbox="798 1422 1452 1758"> <thead> <tr> <th><u>Water Fitting</u></th> <th><u>National Base Level</u></th> </tr> </thead> <tbody> <tr> <td><u>WC</u></td> <td><u>6/4 litres dual flush or 4.5 litres single flush</u></td> </tr> <tr> <td><u>Shower</u></td> <td><u>10 l/min</u></td> </tr> <tr> <td><u>Bath</u></td> <td><u>185 litres</u></td> </tr> <tr> <td><u>Basin Taps</u></td> <td><u>6 l/min</u></td> </tr> <tr> <td><u>Sink Taps</u></td> <td><u>8 l/min</u></td> </tr> <tr> <td><u>Dishwasher</u></td> <td><u>1.25 l/place setting</u></td> </tr> <tr> <td><u>Washing Machine</u></td> <td><u>8.17 l/kilogram</u></td> </tr> </tbody> </table> <p><u>Table 1: fittings-based specification from DCLG (2014) Housing Standards Review: Approved Document G: Requirement G2 Water efficiency</u></p>	<u>Water Fitting</u>	<u>National Base Level</u>	<u>WC</u>	<u>6/4 litres dual flush or 4.5 litres single flush</u>	<u>Shower</u>	<u>10 l/min</u>	<u>Bath</u>	<u>185 litres</u>	<u>Basin Taps</u>	<u>6 l/min</u>	<u>Sink Taps</u>	<u>8 l/min</u>	<u>Dishwasher</u>	<u>1.25 l/place setting</u>	<u>Washing Machine</u>	<u>8.17 l/kilogram</u>
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<b>MM7</b>	20	DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions	<i>Delete Policy DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions, and re-number subsequent policies:</i>																

			<p><del>Policy DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions</del></p> <p><del>All proposals for new development including the re-use or conversion of existing buildings will be expected to maximise energy efficiency through the use of design, layout, orientation, materials, insulation, and construction techniques and, where feasible and viable, improve on the standards set in the version of the Building Regulations Part L current at the time of submission.</del></p> <p><del>All new developments of 10 or more dwellings, or in excess of 1000 sq. m. in the case of other development, shall achieve a 10% reduction in residual CO2 emissions in all buildings after compliance with the current / prevailing version of Building Regulations Part L (until such time as zero carbon standards are required under Part L) has been demonstrated, unless it can be demonstrated to the satisfaction of the Local Planning Authority that this level is not viable. This should be achieved by following the 'carbon compliance' elements of the Energy Hierarchy, i.e. a combination of energy efficient measures, directly connected heat (heat source not necessarily on site) and incorporation of on-site low carbon and renewable technologies.</del></p> <p><del>Planning approval will be dependent on the provision of an energy statement informed by preliminary calculations under the Standard Assessment Procedure and National Calculation Method or such methodologies as replace these, unless it can be demonstrated to the satisfaction of the Local Planning Authority that a more appropriate methodology should be used.</del></p> <p><del>Conditions will be attached to planning permissions requiring submission of as-built Building Control Compliance documentation showing the Target Emission Rate (TER) and Dwelling Emission Rate (DER) / Building Emission Rate (BER), or such other metrics as replace these.</del></p> <p><del>There may be opportunities for the delivery of new development which surpasses the requirement outlined above and the Local Planning Authority will identify such sites through Area Action Plans and Concept Statements, and which shall subsequently be</del></p>
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			<p>incorporated into Masterplans or Development Briefs.</p> <p><del>Note: Information, advice and supporting guidance will be provided by guidance leaflets on the planning pages of the councils' websites.</del></p>
<b>MM8</b>	21	DM9 Low and Zero Carbon Energy Generation	<p><i>Renumber policy, and in the final part of the policy delete criteria g):</i></p> <p>Policy DM9<u>8</u></p> <p>Low and Zero Carbon Energy Generation</p> <p>.....</p> <p>In the case of proposals in nature conservation sites, or within or visible from Conservation Areas or other heritage assets, the developer or operator must be able to demonstrate to the satisfaction of the Local Planning Authority that:</p> <p><del>g) there is no suitable alternative location outside the designated area that would enable development to be sited and designed with the least harm; and:</del></p> <p>h) the proposal represents the highest standards of siting and design appropriate to the location.</p>
<b>MM9</b>	23	DM10 Infrastructure Services and Telecommunications Development	<p><i>Renumber policy, and amend the second paragraph of the policy to read as follows:</i></p> <p>Policy DM1<u>0</u> <u>9</u></p> <p>Infrastructure Services and Telecommunications Development</p> <p>.....</p> <p>Permission for all telecommunication development will <del>normally be granted</del> <u>be permitted</u> where..."</p> <p><i>Delete criterion a) as follows and re-number subsequent criteria:</i></p> <p><del>a) A full justification has been made to satisfy the local planning authority that there is a need for the proposed development; and</del></p> <p><i>renumber policies in criterion d) and the policies set out in this criterion as follows:</i></p>



			<p> <del>d) c)</del> there will be no significant detrimental effect upon biodiversity interests in accordance with Policies <del>DM1110</del>, <del>DM1211</del> and <del>DM1312</del>;  <i>Add to the end of d) criterion (i):</i>  <u>".....townscape or upon the setting of heritage assets".</u>  <i>In the fourth paragraph starting "Permission for infrastructure for the connection or supply ....." in criterion d) delete the numbers i), ii) and iii), delete the wording in i), and amend as follows:</i>            d) in the case of proposals in nature conservation sites, or within or visible from Conservation Areas or other heritage assets, the developer or operator can demonstrate to the satisfaction of the Local Planning Authority that there is:            i) <del>no suitable alternative location outside the designated area that would enable development to be sited and designed with the least harm;</del>            and            ii) the proposal represents the highest standards of siting and design appropriate to the location. <del> and</del>            iii) <del>With regards to full planning permission, if the local planning authority feel</del> <u>considers</u> that a power supply or connection            .....  <i>Add new paragraph to the policy before the final paragraph that starts "Should the need ....":</i>  <u>Consideration will be given as to whether development will impact on the use of the highway, with particular attention paid to the potential for restrictions on the width of the highway, to the detriment of safety, amenity and/or accessibility.</u> </p>
<b>4 The Natural and Historic Environment</b>			
<p><b>MM10</b></p>	<p>27</p>	<p>DM11: Impact of Development on Sites of Biodiversity and Geodiversity Importance</p>	<p><i>Renumber policy, and amend the second paragraph of DM11 to read as follows:</i></p> <p>Policy <del>DM1110</del></p> <p>Impact of Development on Sites of Biodiversity and Geodiversity Importance</p>

			<p>.....</p> <p><del>Proposals for development which would have an adverse impact on adversely affect the integrity of areas of international nature conservation or geological importance, as indicated on the Proposals Policies Map, will be determined in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). not be permitted unless there are imperative reasons of overriding national public interest and that there is no alternative solution.</del></p> <p><i>Delete the third paragraph of DM11 and replace with the following text:</i></p> <p><del>Development which would have an adverse impact on national, county and locally designated sites will not be permitted unless the need for the development clearly outweighs the importance of the nature conservation or geological value of the site.</del></p> <p><u>Proposed development likely to result in adverse effects to a SSSI will not be permitted unless the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.</u></p> <p><i>Delete the fourth paragraph of DM11 and replace with the following text:</i></p> <p><del>In considering development proposals which may give rise to serious or irreversible environmental damage to important biodiversity or geodiversity interests, the Local Planning Authority will apply the precautionary principle.</del></p> <p><u>Proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not be permitted.</u></p>
<p><b>MM11</b></p>	<p>28</p>	<p>DM12 Protected Species</p>	<p><i>Renumber policy, and amend Policy DM12 to read as follows:</i></p> <p>Policy <del>DM12</del><u>11</u></p> <p>Protected Species</p> <p>Development which would have an adverse impact on species protected by the</p>

			<p>Conservation of Habitats and Species Regulations (2010 (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to:</p> <p>a) <del>facilitate the survival of the protected species;</del>  <del>b</del> a) reduce disturbance to a minimum; and  b) (i) <u>maintain the population identified on site;</u>  or  e) (ii) provide adequate alternative habitats to sustain at least the current levels of population.</p> <p>Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum.</p> <p><i>Note: Developers should take into account separate legislation, Acts, regulations, case law, planning guidance and any subsequent replacement Supplementary Planning Documents and laws preventing interference with protected species, and should be aware of the need to undertake relevant assessments, studies and surveys as required prior to the submission of a planning <u>and related applications.</u></i></p>
<p><b>MM12</b></p>	<p>29</p>	<p>DM13 Mitigation, Enhancement, Management and Monitoring of Biodiversity</p>	<p><i>Renumber policy, and add the following to the final sentence of the first paragraph:</i></p> <p>Policy <del>DM13</del><u>12</u></p> <p>Mitigation, Enhancement, Management and Monitoring of Biodiversity</p> <p>..... For example, such enhancement could include <u>watercourse improvements to benefit biodiversity and improve water quality,</u> habitat creation, wildlife links <u>(including as part of green or blue infrastructure)</u> and building design .....</p> <p><i>Amend the second paragraph of the policy to read as follows:</i></p> <p>All new development (excluding minor household applications) <u>shown to contribute to recreational disturbance and visitor pressure</u></p>

			<p>within the Breckland SPA and SAC will be required to make appropriate contributions through <del>€IL (or S106 agreements prior to 2014)</del>, towards management <u>projects</u> and/or monitoring of visitor pressure and urban effects on key biodiversity sites.</p>
<b>MM13</b>	30	DM14 Landscape Features	<p><i>Renumber policy, and amend the second and final paragraphs of the policy to read as follows:</i></p> <p>Policy <del>DM14</del><u>13</u></p> <p>Landscape Features</p> <p>Areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the <del>proposal</del> <u>Policies</u> maps) have been identified. These areas, <u>and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project)</u> have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact.</p> <p><i>Amend the fourth paragraph of the policy to read as follows:</i></p> <p>All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, <u>including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.</u> <del>Gaps between settlements and their settings and the nocturnal character of the landscape, must be maintained.</del></p> <p>.....</p> <p>Where this is not possible development will not normally be permitted.</p>
<b>MM14</b>	31	DM15 Safeguarding from Hazards	<p><i>Renumber policy, and add to title and to the beginning of the policy:</i></p> <p>Policy <del>DM15</del> <u>14</u></p> <p><u>Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from</u></p>

			<p>Hazards</p> <p><u>Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution), and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential for creation of pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.</u></p> <p><u>Development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from the development on:</u></p> <ul style="list-style-type: none"> <li>• <u>The natural environment, general amenity and the tranquility of the wider rural area;</u></li> <li>• <u>Health and safety of the public;</u></li> <li>• <u>Air quality;</u></li> <li>• <u>Surface and groundwater quality;</u></li> <li>• <u>Land quality and condition; or</u></li> <li>• <u>Compliance with statutory environmental quality standards.</u></li> </ul> <p><i>.....continue with policy wording as existing.</i></p>
<p><b>MM15</b></p>	<p>32</p>	<p>DM16 Listed Buildings</p>	<p><i>Renumber policy, amend and add new criterion (a), renumber subsequent criteria, and add two new paragraphs to the end of the policy as follows:</i></p> <p>Policy <del>DM16</del><u>15</u></p> <p>Listed Buildings</p> <p>Proposals to alter, extend or change the use of a listed building, or development affecting its setting, will <del>only</del> be permitted where they <del>would</del>:</p> <p><u>a) demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;</u></p> <p><del>a) b) contribute to .....</del>  <del>b) c) are not be detrimental to the buildings' character or any architectural, archaeological, artistic or historic features .....</del>  <del>e) d) are be of an appropriate scale, .....</del>  <del>.....</del>  <u>f) g) respect not harm the setting of the listed building .....</u></p>

			<p>.....</p> <p><u>All development proposals should provide a clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against any public benefits.</u></p> <p><u>The level of detail of any supporting information should be proportionate to the importance of the building, the works proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.</u></p>
<b>MM16</b>	34	DM17 Local Heritage Assets and Buildings Protected by Article 4 Direction	<p><i>Renumber policy, delete and add the following:</i></p> <p>Policy DM17<u>16</u></p> <p>Local Heritage Assets and Buildings Protected by Article 4 Direction</p> <p>Proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will <del>only</del> be supported <u>permitted</u> where they:</p> <p><del>a) do not have a significantly detrimental effect upon the historic fabric, design, materials, elevational treatment and ornamentation of the original building;</del></p> <p><u>a) demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;</u></p> <p><u>b) respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;</u></p> <p><del>b) c) will not entail an unacceptable level of loss, damage or covering of original features; and</del></p> <p><del>e) d) have regard to will not have a significantly adverse impact upon the setting, plot layout and boundary features, or</del></p> <p><del>d) the contribution made by any new development on the site to its surroundings, particularly with regard to the character and appearance of the wider area, outweighs any harm to, or arising from the loss of, the building.</del></p>

			<p><u>In the case of works which would cause harm to a Local Heritage Asset or building protected by an Article 4 direction or its setting, clear justification for the works must be provided so that the harm can be weighed against any public benefits.</u></p> <p><u>The level of detail of any supporting information should be proportionate to the importance of the asset, the works proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.</u></p>
<b>MM17</b>	35	DM18 Conservation Areas	<p><i>Renumber policy, and change "must" to "should" in the first sentence, amend criterion (g), delete final paragraph and add two new paragraphs as follows:</i></p> <p>Policy <del>DM18</del><u>17</u></p> <p>Proposals for development within, adjacent to or visible from a Conservation Area <del>must</del> <u>should</u>:</p> <p>.....</p> <p><u>g) demonstrate a clear understanding of the significance of the Conservation Area and/or its setting, alongside an assessment of the potential impact of the proposal on that significance. Where a Conservation Area Appraisal and Management Plan is adopted, The proposal <del>must</del> <u>should</u> demonstrate how the key characteristics of the character area have been addressed.</u></p> <p>.....</p> <p><del>Development proposals will not be permitted where this would harm the architectural or historic value of a locally listed building, or a previously unidentified heritage asset or their setting. The local planning authority will, as far as is possible, resist any proposals for the demolition of any building or structure of local interest, or previously unidentified heritage asset, unless they comply with criteria i, ii and iii of the Policy.</del></p> <p><u>All development proposals should provide a clear justification for the works, especially if these works would harm the significance of a Conservation Area or its setting, so that the harm can be weighed against any public benefits.</u></p> <p><u>The level of detail of any supporting information should be proportionate to the importance of an</u></p>

			<u>area, the works proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.</u>
<b>MM18</b>	37	DM19 New Uses for Historic Buildings	<p><i>Renumber policy, amend the first sentence, delete the final paragraph, and add two new paragraphs as follows:</i></p> <p>Policy <del>DM19</del><u>18</u></p> <p>New Uses for Historic Buildings</p> <p>Permission for the adaptation of a historic building to sustain a new use will be permitted <del>only</del> where the proposal will protect the special <u>significance architectural or historic interest</u> of the building, .....</p> <p>.....</p> <p><del>New use that would bring substantial community benefits, environmental enhancement or include alterations which help to mitigate climate change will be weighed against, and should aim to minimise, any potential harm to the significance of the historic building or its setting.</del></p> <p><u>All development proposals should provide a clear justification for the works, especially if these works would harm the significance of a historic building or its setting, so that the harm can be weighed against any public benefits.</u></p> <p><u>The level of detail of any supporting information should be proportionate to the importance of the building, the work proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.</u></p>
<b>MM19</b>	39	DM21 Archaeology	<p><i>Renumber policy and add "adequate" in criterion c) as follows:</i></p> <p>Policy <del>DM21</del><u>20</u></p> <p>c) the <u>adequate</u> recording of the heritage asset .....</p>
<b>5 Housing and Homes</b>			
<b>MM20</b>	41	DM23 Residential Design	<p><i>Renumber policy, and add to criterion (c) as follows:</i></p> <p>Policy <del>DM23</del><u>22</u></p> <p>Residential Design</p> <p>c) utilising the characteristics of the locality to create buildings and spaces that have a strong</p>



			<p>sense of place and distinctiveness, <u>using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.</u></p> <p><i>Delete part and add to criterion (f) as follows:</i></p> <p>f) <u>where appropriate, apply innovative highways and parking measures designed to avoid the visual dominance of highways and parking, these elements in the design and layout of new developments, whilst still meeting highway safety standards. and the rigid application of engineering geometry to meet highways design standards.</u></p> <p><i>Add to criterion (h) as follows:</i></p> <p>h) <u>ensure appropriate levels of permeability and accessibility favouring sustainable transport routes and consider the needs of pedestrians and cyclists before car users.</u></p> <p><i>Add to criterion (i) as follows:</i></p> <p>i) <u>integrate comfortably with surrounding street networks and enable integration into future additional development.</u></p>
<b>MM21</b>	42	DM24 Special Housing Needs	<p><i>Renumber policy, and amend first and final paragraphs as follows:</i></p> <p>Policy <del>DM24</del><u>23</u></p> <p>Special Housing Needs</p> <p>Proposals for new or extensions to existing accommodation for elderly and/or vulnerable people will be <del>supported</del> <u>permitted</u> on sites <u>deemed</u> appropriate for residential development <u>by other policies contained within this and other adopted Local Plans</u>, provided that such schemes meet the following criteria:</p> <p>.....</p> <p>Proposals for extensions to existing specialist accommodation .....will be <del>supported</del> <u>permitted</u> providing a need can be clearly demonstrated .....</p>
<b>MM22</b>	43	DM25 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within	<p><i>Renumber policy, delete bullet points (i) and (ii) and amend text as follows:</i></p> <p>Policy <del>DM25</del><u>24</u></p> <p>Alterations or Extensions to Dwellings, including</p>

		the Curtilage	<p>Self Contained Annexes and Development within the Curtilage</p> <p>.....</p> <p>In addition to criteria a, b and c, proposals for the alteration or extension of an existing dwelling in the countryside outside of towns and villages with settlement boundaries will also be required to demonstrate that: <u>it is subordinate in scale and proportion to the original dwelling.</u></p> <p><del>i) it is subordinate in scale and proportion to the original dwelling; and</del></p> <p><del>ii) it would not create or be capable of becoming a separate dwelling.</del></p> <p><i>Delete bullet point (f) and amend text as follows:</i></p> <p>e) the size of the annexe is the minimum necessary to meet the purpose; <u>and</u></p> <p><del>f) the annexe is not capable of being used as a separate dwelling; and.</del></p> <p><del>g) f) the size, scale, location and design relates satisfactorily to the existing dwelling and its curtilage, and to the wider surrounding area.</del></p>
<b>MM23</b>	44	DM26 Extensions to Domestic Gardens within the Countryside	<p><i>Renumber policy, and amend the first paragraph of the policy to read as follows;</i></p> <p>Policy <del>DM26</del><u>25</u></p> <p>Extensions to Domestic Gardens within the Countryside</p> <p>.....</p> <p>Small, unobtrusive extensions of residential curtilages.... <del>may be approved</del><u>will be permitted</u> where....</p>
<b>MM24</b>	46	DM28 Housing in the Countryside	<p><i>Renumber policy, and amend first and final paragraphs as follows:</i></p> <p>Policy <del>DM28</del><u>27</u></p> <p>Housing in the Countryside</p> <p>Proposals for new dwellings <del>may</del> <u>will</u> be permitted in the countryside.....</p> <p>.....</p> <p>Permission will not be granted where a <u>proposal</u> harms or undermines a visually important gap</p>

			<del>that is an essential feature</del> <u>contributes to the character and distinctiveness</u> of the rural scene, or where development would have an adverse impact on the environment or highway safety.
<b>MM25</b>	48	DM29 Residential Use of Redundant Buildings in the Countryside	<p><i>Renumber policy, and amend the first paragraph of the policy to read as follows:</i></p> <p>Policy <del>DM29</del><u>28</u></p> <p>Residential Use of Redundant Buildings in the Countryside</p> <p>Proposals for the conversion of redundant or disused barns or other buildings in the countryside into dwellings will be permitted <del>where there are special circumstances.</del> <u>Satisfactory evidence will also need to be submitted to demonstrate that, where relevant an in addition to other policies in the plan:</u></p>
<b>6 Sustainable Economic and Tourism Development</b>			
<b>MM26</b>	49/50	DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses	<p><i>Insert additional text, delete "District and" in criterion (a), delete "or" after each criterion, and delete the final sentence:</i></p> <p>Any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied <u>that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):</u></p> <p>a) there is a sufficient supply of alternative and suitable employment land available to meet <del>District and</del> local employment job growth requirements; <del>or</del></p> <p>b) evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found in the foreseeable future; <del>or</del></p> <p>c) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site; <del>or</del></p> <p>d) an alternative use or mix of uses would</p>

			<p>assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs; <del>or</del></p> <p>e) it is for an employment related support facility such as employment training /education, workplace crèche or industrial estate café; <del>or</del></p> <p>f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.</p> <p><del>Where appropriate any approval will be subject to a legal agreement requiring a contribution to improve employment prospects in the District to mitigate the loss of employment sites.</del></p>
<b>MM27</b>	52	DM32 Business and Domestic Equine Related Activities	<p><i>Add to the Title of DM32; add "in the countryside" in the 1<sup>st</sup> line; add new criterion (d); and renumber subsequent criteria:</i></p> <p><u>Business and Domestic Equine Related Activities in the Countryside</u></p> <p>Proposals for equestrian development <u>in the countryside</u>, whether domestic or commercial, will be permitted providing they meet the following criteria:</p> <p><u>d) landscape mitigation measures are included appropriate to the scale and context of the proposal;</u></p>
<b>MM28</b>	54	DM33 Re-Use or Replacement of Buildings in the Countryside	<p><i>Delete and insert the following in the 1<sup>st</sup> paragraph of DM33, and renumber policy reference in v):</i></p> <p>The re-use, conversion and alteration or extension of buildings in the countryside for the following uses will be <del>considered favourably permitted</del> <u>permitted</u> where proposals comply with other policies in the <del>Core Strategy and in this DPD</del> <u>and other adopted Local Plans:</u></p> <p>.....</p> <p>v) residential use, where justified, in accordance with Policy <del>DM2928</del></p>
<b>MM29</b>	56	DM34 Tourism Development	<p><i>Delete the following from the 1<sup>st</sup> sentence of DM34:</i></p> <p>Planning applications for new tourism facilities, including overnight visitor accommodation; (hotels, bed &amp; breakfast, self catering, holiday lodges, static and touring caravans and tenting fields), or improvements and extension to existing facilities, will <del>normally</del> <u>be permitted in appropriate locations provided that:</u></p>

<b>7 Retail, Community facilities and Leisure</b>			
<b>MM30</b>	59	DM35 Proposals within the Town Centre Boundaries	<p><i>Insert and delete as follows:</i></p> <p><del>Proposals for main town centre uses within the Town Centre Boundaries</del></p> <p>Within the town centres, as defined on the policies maps, support will be given, subject to compliance with other policies, to proposals <u>for main town centre uses such as</u> the following:</p> <p>i) shopping (Use Class A1);            ii) financial and professional services (A2);            iii) food and drink (A3, A4, A5);            iv) leisure, culture, <u>arts, tourism and more intensive sport and recreation including D2 uses</u>;            v) business (B1) <del>offices commercial uses</del>;  <del>vi health facilities and other community uses</del>;  <del>vii) visitor accommodation</del>; and</p> <p><u>in addition to the main town centre uses above:</u></p> <p><u>vii) health facilities and other community uses</u>;            viii) residential, A2 or B1 uses on upper floors.</p> <p><u>Proposals for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations.</u></p> <p><u>Proposals for retail floorspace in excess of 1,000sqm gross outside of Bury St Edmunds, Haverhill and Newmarket town centres and in excess of 300sqm gross outside all other defined centres will require an impact assessment to demonstrate that it will not have a significant adverse impact in accordance with the NPPF.</u></p> <p>A balance between <del>retail shops (A1)</del> and non-<u>A1 retail commercial uses (A2, A3, A4 and A5 uses)</u> will be maintained to secure the vitality and viability of the Primary Shopping Areas, albeit with a predominance of shopping uses maintained. The change of use of ground floor A1 units within a Primary Shopping Area, to other appropriate <u>main</u> town centre uses, will therefore only be permitted if the balance of retail vitality and viability is not likely to be harmed and all of the following criteria are met:</p>

			a) <i>continue as existing</i>
<b>MM31</b>	61	DM36 Protection of Local Centres	<p><i>Amend the title and amend as follows:</i></p> <p><del>Protection of Local Centres</del></p> <p><u>The local planning authority will seek to maintain a mix of uses in local centres which could include:</u></p> <p><u>i. leisure and recreation;</u></p> <p><u>ii. health and community facilities;</u></p> <p><u>iii. small scale retail development, where it can be demonstrated to meet local need (generally not exceeding 150 sq. metres in net floor area unless a larger area is required to meet a demonstrated local shortfall); and</u></p> <p><u>iv. education.</u></p> <p>In local centres the loss or change of use of shops or services (<u>or premises last used for such purposes</u>) will not be permitted unless it can be demonstrated that the use is no longer viable or that the change of use will not have a detrimental impact on the vitality and viability of the centre.</p> <p>Proposals for new or extended shops or services within local centres will be <del>supported</del> <u>permitted</u> provided that there is no adverse effect on residential amenity or environmental quality, and subject to compliance with other Policies within this <del>DPD</del> <u>and other adopted- local plans.</u></p> <p><u>New local centres should be well served by public transport and cycle path access and within reasonable walking distance of all parts of the development.</u></p> <p><u>Note: Proposals for the provision, enhancement or loss of community facilities and services, leisure and recreation, health and education uses will be subject to compliance with other policies within this local plan.</u></p>
<b>MM32</b>	62	DM37 Public Realm Improvements	<p><i>Amend Policy DM37 as follows:</i></p> <p>Proposals for <del>new</del> major development or redevelopment in the towns <u>and Key Service Centres</u> will, where <del>justified</del> <u>reasonable and necessary to the acceptability of the development</u>, be required to provide or contribute towards public realm improvements appropriate to the scale <u>and nature</u> of the proposal.</p> <p>Proposals in the Primary Shopping Areas should also provide active street frontages to create</p>

			<p>attractive and safe street environments.</p> <p><i>Note: Necessary improvements to the public realm will be identified and schemes and priorities outlined for the towns <u>and key service centres</u>. Where appropriate the local planning authority will secure public realm improvements through the use of conditions and/or planning obligations.</i></p>
<b>MM33</b>	62	DM38 Shop Fronts and Advertisements	<p><i>Delete final paragraph of policy as follows:</i></p> <p>..... is located, and must not adversely affect amenity and / or public safety.</p> <p><del>Advertisements unrelated to the site on which they are displayed will not normally be permitted.</del></p>
<b>MM34</b>	64/65	DM41 Community Facilities and Services	<p><i>Delete and insert the following wording to the 1<sup>st</sup> and 2<sup>nd</sup> and final paragraphs of DM41:</i></p> <p>The provision and enhancement of community facilities and services will be <del>supported</del> <u>permitted</u> where they contribute to the quality of community life and the maintenance of sustainable communities.</p> <p>Proposals that will result in the loss of valued facilities or services which support a local community (<u>or premises last used for such purposes</u>) will only be permitted where:</p> <p>.....</p> <p><del>Where a local need has been identified</del> <u>Where necessary to the acceptability of the development</u> the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and a financial contribution towards the cost of these developments <u>proportional to the impact of the proposed development in that area, through the use of conditions and/or planning obligations.</u></p>
<b>MM35</b>	66	DM42 Open Space, Sport and Recreation Facilities	<p><i>Delete "supported" and replace with "permitted" in the first paragraph, delete the fourth paragraph, insert a new penultimate paragraph, and amend the final paragraph as follows:</i></p> <p>Proposals for the provision, enhancement and / or expansion of amenity, sport or recreation</p>

			<p>open space or facilities will be <del>supported permitted</del> subject to compliance with other Policies in the <del>DPD</del> <u>this and other adopted Local Plans.</u></p> <p>.....</p> <p><del>Developers of new housing will be required to provide open space including play areas, formal sport/recreation areas and amenity areas and where appropriate, indoor sports facilities in accordance with adopted local planning authority standards of provision. Where appropriate and justified, the local planning authority will seek the provision of recreational open space and sports and recreation facilities as part of office, retail and other commercial and mixed development schemes. In addition to on-site and off-site contributions, a contribution may be required for the maintenance of the facility in accordance with adopted local planning authority Guidelines.</del></p> <p><u>Where necessary to the acceptability of the development, the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide open space including play areas, formal sport/recreation areas, amenity areas and where appropriate, indoor sports facilities or to provide land and a financial contribution towards the cost and maintenance of existing or new facilities, as appropriate. These facilities will be secured through the use of conditions and/or planning obligations.</u></p> <p>Clubhouses, pavilions, car parking and ancillary facilities must be of a high standard of design and internal layout, and be in accordance with other policies in this <del>DPD</del> <u>Plan.</u> .....</p>
<p><b>MM36</b></p>	<p>67</p>	<p>DM43 Leisure Facilities</p>	<p><i>Add "and cultural" to the title, and in the first and second paragraphs of Policy DM43, and amend criterion (f) as follows:</i></p> <p><u>Leisure and Cultural Facilities</u></p> <p>Planning applications for new leisure <u>or cultural</u> facilities or improvements and extensions to existing facilities, will <del>normally</del> be permitted provided that:</p> <p>.....</p> <p>Where it can be demonstrated that there is a justifiable need for the leisure <u>or cultural</u></p>



			<p>activity to be located within the open countryside and away from any defined settlement the preference will be for the re-use of appropriately located and suitably constructed existing buildings. New buildings and/or infrastructure required to service a particular leisure activity will only be permitted where:</p> <p>....., and</p> <p>f) the <del>commercial</del> benefits in terms of creating sustainable employment <u>the proposal</u> outweigh the loss of open countryside.</p>
<b>8 Transport</b>			
<b>MM37</b>	69	DM45 Transport Assessments and Travel Plans	<p><i>Amend the third paragraph of the policy and reference as follows:</i></p> <p>may also be required to make a financial contribution.....</p> <p><u>Where it is necessary to negate the transport impacts of development,</u> <del>d</del>Developers <del>may also</del> will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to <del>the existing</del> transport infrastructure <del>that negates the impacts of cumulative development in a given area and / or improves to facilitate access to and use of more substantial sustainable modes of transport modes.</del></p> <p><i>*Indicative thresholds for application of transport assessments.....</i>  <i>..... - Appendix B, <del>DCLG</del> Department for Transport Guidance March 2007, ....</i></p>
<b>MM38</b>	70	DM46 Parking Standards	<p><i>Change "will generally" to "may" in the second paragraph and add wording to this and final paragraph of policy as follows:</i></p> <p>In the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking <del>will generally</del> <u>may</u> be sought in all new development proposals. Proposals for new mixed-use sites will be expected to minimise the provision of car parking where achievable, for example by providing shared use parking, and/or car pooling as part <u>of</u> a Travel Plan.</p> <p>Exceptions may be made to parking standards <del>for economic development proposals in rural</del></p>

			<p>areas where satisfactory evidence and justification is included along with the transport assessment and/or travel plan <u>that demonstrates why an exception ought to be made given the nature and location of the specific development proposal.</u></p>
<b>9 Forest Heath Specific Policies – Horse Racing</b>			
<b>MM39</b>	73	DM47 Development Relating to the Horse Racing Industry	<p><i>Amend and insert the following:</i></p> <p>Development relating to the <del>h</del>Horse <del>r</del>Racing <del>i</del>Industry will be permitted provided that:</p> <p>a) <del>there is satisfactory evidence of the need for and scale of the development</del> <u>the business viability, functional need for and scale of the proposal;</u></p> <p>b) <del>it is in keeping with the character and appearance of the distinctive townscape of Newmarket and Exning and the rural character of surrounding areas</del> <u>the development is designed to make a positive contribution to local character and distinctiveness;</u></p> <p>c) <del>access proposals (including for the movement of horses for training) and the impact of all other movements are acceptable to the local highway authority; and</del></p> <p>c) <u>the occupation of any residential accommodation is restricted by condition or legal agreement to those directly employed in the day to day operation and management at the horse racing establishment; and</u></p> <p>d) <del>the occupation of any residential accommodation is restricted by condition or legal agreement to those directly employed in the day to day operation and management at the horse racing establishment.</del></p> <p>d) <u>access proposals (including for the movement of horses for training) and the impact of all other movements on highway safety and the network capacity for all relevant modes of transport, are acceptable.</u></p>
<b>MM40</b>	73	DM48 Development Affecting the Horse Racing Industry	<p><i>Insert the following:</i></p> <p>Any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry <u>(such as noise, volume of traffic, loss of paddocks or other</u></p>

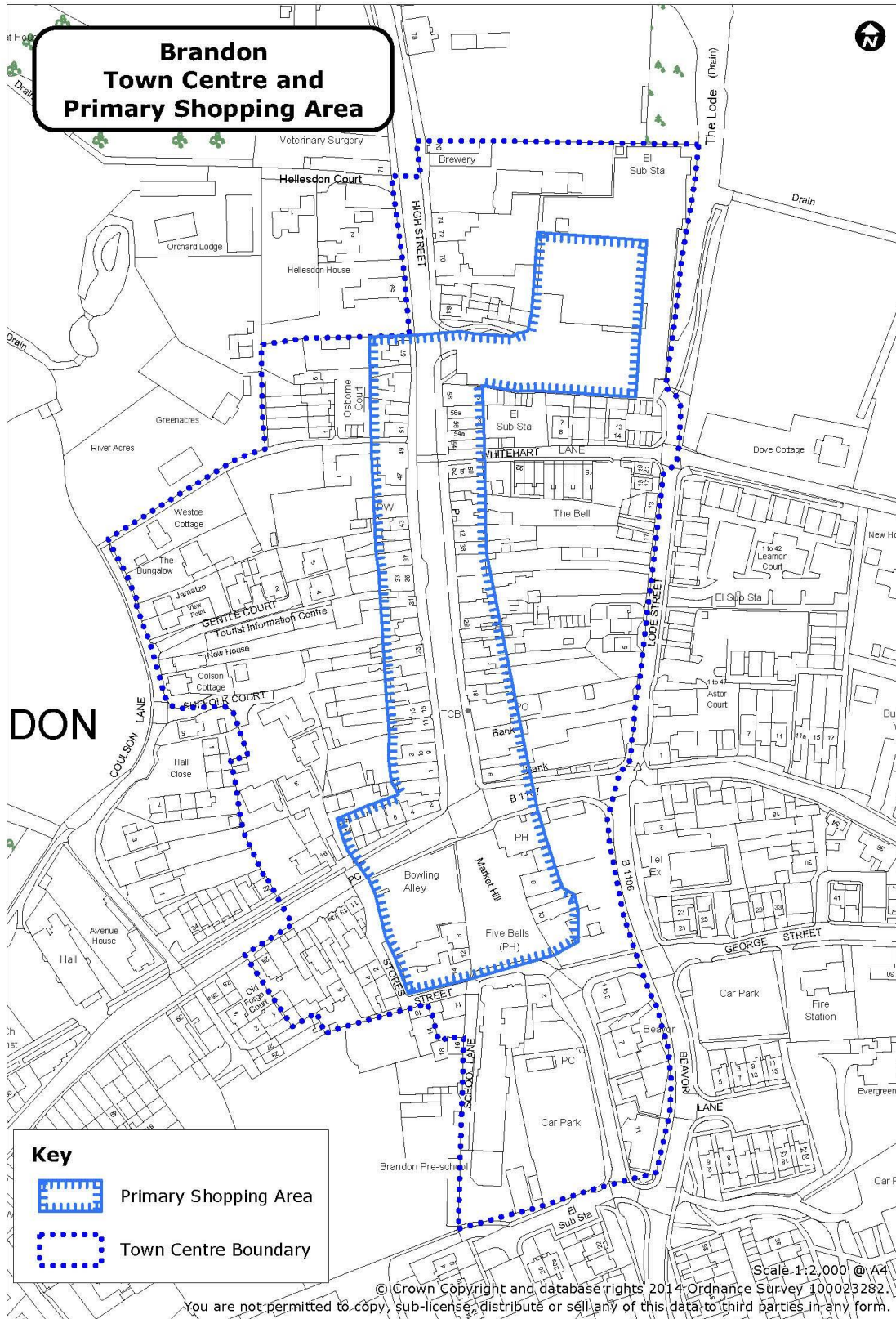
			<p><u>open space, access and/or servicing requirements), or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.</u></p>
<b>MM41</b>	74	DM49 Re-development of Existing Sties Relating to the Horse Racing Industry	<p><i>Amend the policy as follows:</i></p> <p><del>The change of use of land and buildings, racehorse training yards, stud farms, racecourses and horse training grounds, including associated residential accommodation, (and buildings/land last lawfully used for such purposes) presently or previously relating to racehorse training yards, stud farms, the racecourses, horse training grounds or other horse racing industry related uses and including the sub-division of the yard or site from its associated residential accommodation), will not be permitted except in exceptional circumstances. to alternative uses directly related to the Horse Racing Industry will only be permitted if satisfactory evidence is provided that the specific benefit to the Horse Racing Industry outweighs the loss of the existing use.</del></p> <p><del>In exceptional circumstances, alternative uses directly related to the horse racing industry may be accepted and any proposal will need to demonstrate, to the satisfaction of the local planning authority, its specific benefit to the horse racing industry.</del></p> <p><del>In approving any such proposal the local planning authority would need to be satisfied that there is a greater need for any particular racing related use, rather than continuing in its present use.</del></p> <p><del>Any approval granted in exceptional circumstances would also be subject to the proposal positively enhancing the character and appearance of the unique heritage of Newmarket.</del></p> <p><u>The change of use of racehorse training yards, stud farms, racecourses and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry, (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a</u></p>

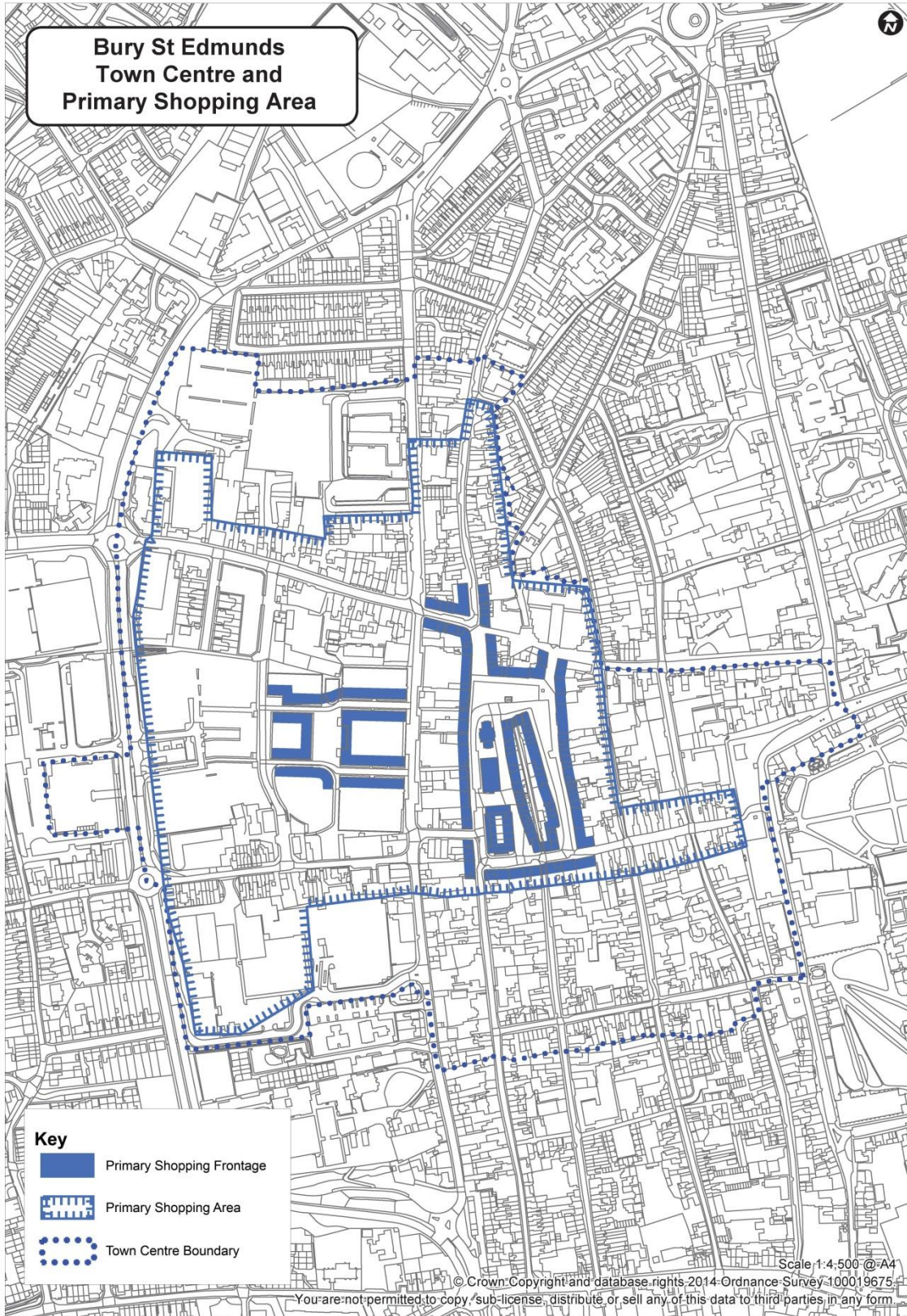
			<p><u>proposal in an adopted local plan.</u></p> <p><u>Permission will only be granted for schemes that conserve and/or enhance the character and appearance of the area and, where relevant and necessary, conditions will be imposed removing permitted development rights to prevent further changes of use.</u></p>
<b>MM42</b>	76	DM50 Securing the Restoration of Horse Racing Related Historic Assets	<p><i>Delete policy as follows:</i></p> <p>Policy DM50</p> <p><del>Securing the Restoration of Horse Racing Related Historic Assets</del></p> <p><del>The release of land for 'enabling' development to secure the restoration and return to racing use of a historic yard, will not be permitted unless all the following criteria can be met:</del></p> <p><del>a) the development is located within (or adjacent to) a settlement boundary;</del></p> <p><del>b) the historic asset is identified as a Listed Building at risk within the up to date 'Suffolk Local Planning Authorities Historic Buildings at Risk Register', English Heritage 'Heritage at Risk Register' or an adopted Conservation Area Appraisal;</del></p> <p><del>c) if the land in question is paddock land, the enabling development will need to demonstrate that the benefit of restoring the listed building significantly outweighs the loss of paddock land;</del></p> <p><del>d) that it will secure the re-establishment of a historic racing yard with an appropriate and enforceable legal mechanism; and'</del></p> <p><del>e) that it satisfies, where appropriate, all the criteria set out in Policy DM22 'Enabling Development'. Where there is evidence that a listed building has been wilfully neglected to capitalise on this policy, since 2010, enabling development to restore a historic site will not be permitted. The Council will use its listed building enforcement powers to ensure the condition and fabric of existing historic yards are not neglected.</del></p>
<b>MM43</b>	77	DM51 Horse Walks	<p><i>Renumber policy, amend and insert wording as follows:</i></p>

			<p>Policy <del>DM51</del><u>50</u></p> <p>Horse Walks</p> <p>The District council will encourage the <del>protection</del> <u>retention</u> and improvement of existing horse walks in Newmarket and Exning. It will support the extension or the provision of new facilities by traffic management proposals, parking restrictions, signing, reserving the land for the purpose as part of new development proposals or by direct provision by horse racing interests or by developers through a legal agreement under section 106 of the 1990 Planning Act <u>where necessary to the acceptability of the development.</u></p>
<b>10 St. Edmundsbury Specific Policy – Rural Housing Exception Sites</b>			
<b>MM44</b>	78	DM52 Rural Housing Exception Sites	<p><i>Delete separate Section 10, the supporting text paragraph 1.01, and Policy DM52, and move to the end of Section 5 – Housing and Homes, re-number the policy, add to the title, add text to first paragraph and add additional paragraph at the end of the of policy as follows:</i></p> <p>Policy <del>DM52</del><u>29</u></p> <p>Rural Housing Exception Sites <u>in St Edmundsbury</u></p> <p>.....will permit rural affordable housing schemes <u>in St Edmundsbury Borough</u> adjoining but outside a Housing Settlement Boundary.....</p> <p>.....</p> <p><u>In exceptional circumstances a small number of market homes will be permitted where demonstrated to be essential to facilitate the delivery of affordable units.</u></p>
<b>Maps – contained in Appendix 2 of this report</b>			
<i>Note: All five maps have been produced on the same map base for consistency and clarity, and maps will be indicated on the contents page.</i>			
<b>MM45</b>		Bury St Edmunds Town Centre	<i>Minor extension to the Town Centre boundary to the north. Primary Shopping Area shown as an area. Primary Shopping Frontage is included to be consistent with the Policy Map book (St Edmundsbury Vision 2031). Key and title amended accordingly.</i>
<b>MM46</b>		Haverhill Town Centre	<i>Minor revision to align the northern extent of the Town Centre and Primary Shopping Area boundaries. Primary Shopping Area shown as an area. Primary Shopping Frontage is included to be consistent with the Policy Map</i>

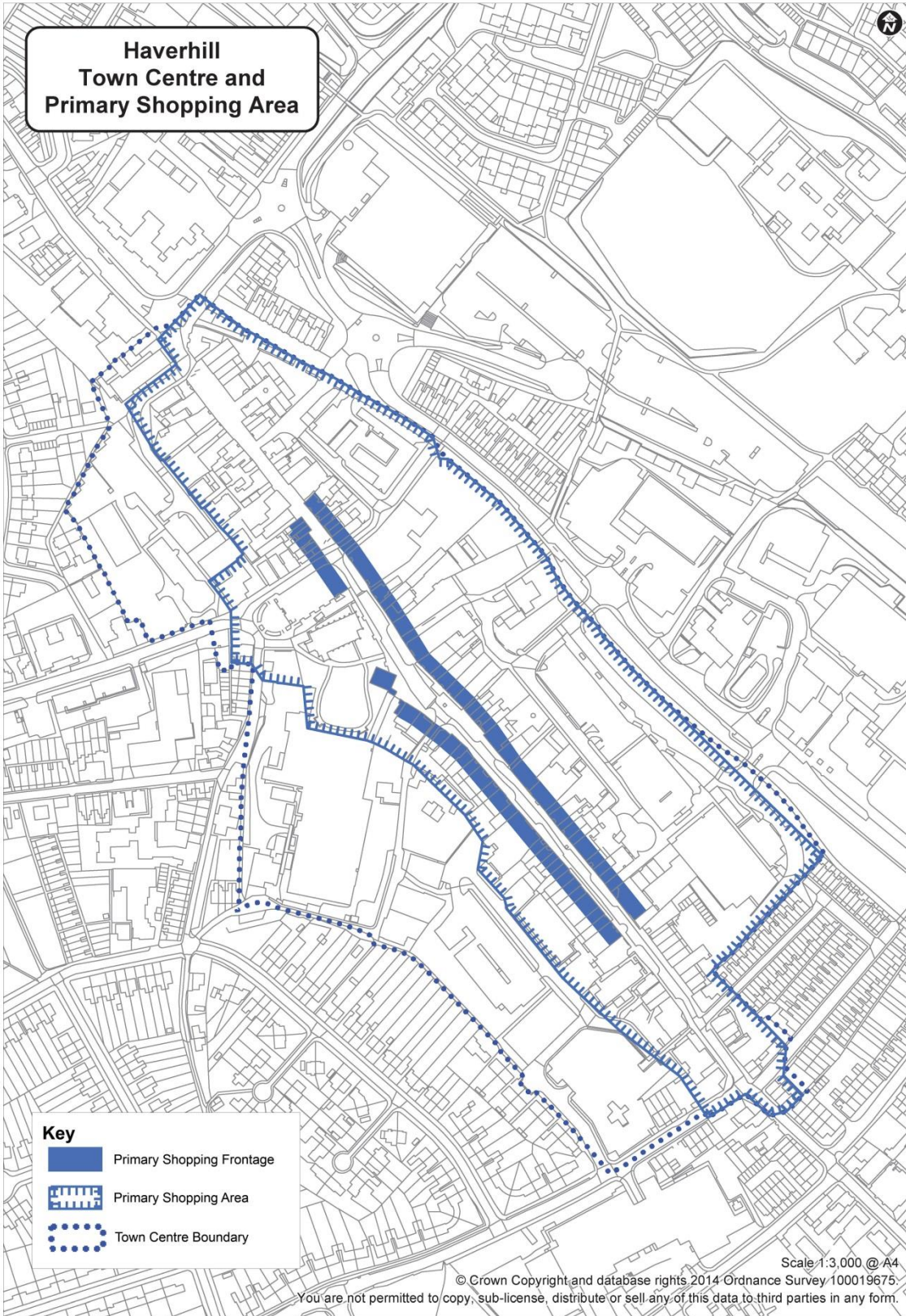
			<i>book (St Edmundsbury Vision 2031). Key and title amended accordingly.</i>
<b>MM47</b>		Newmarket Town Centre	<i>New boundary to denote Primary Shopping Area as an area Key and title amended accordingly.</i>
<b>MM48</b>		Mildenhall Town Centre	<i>New boundary to denote Primary Shopping Area as an area. Key and title amended accordingly.</i>
<b>MM49</b>		Brandon Town Centre	<i>New boundary to denote Primary Shopping Area as an area. Key and title amended accordingly.</i>

# Appendix 2

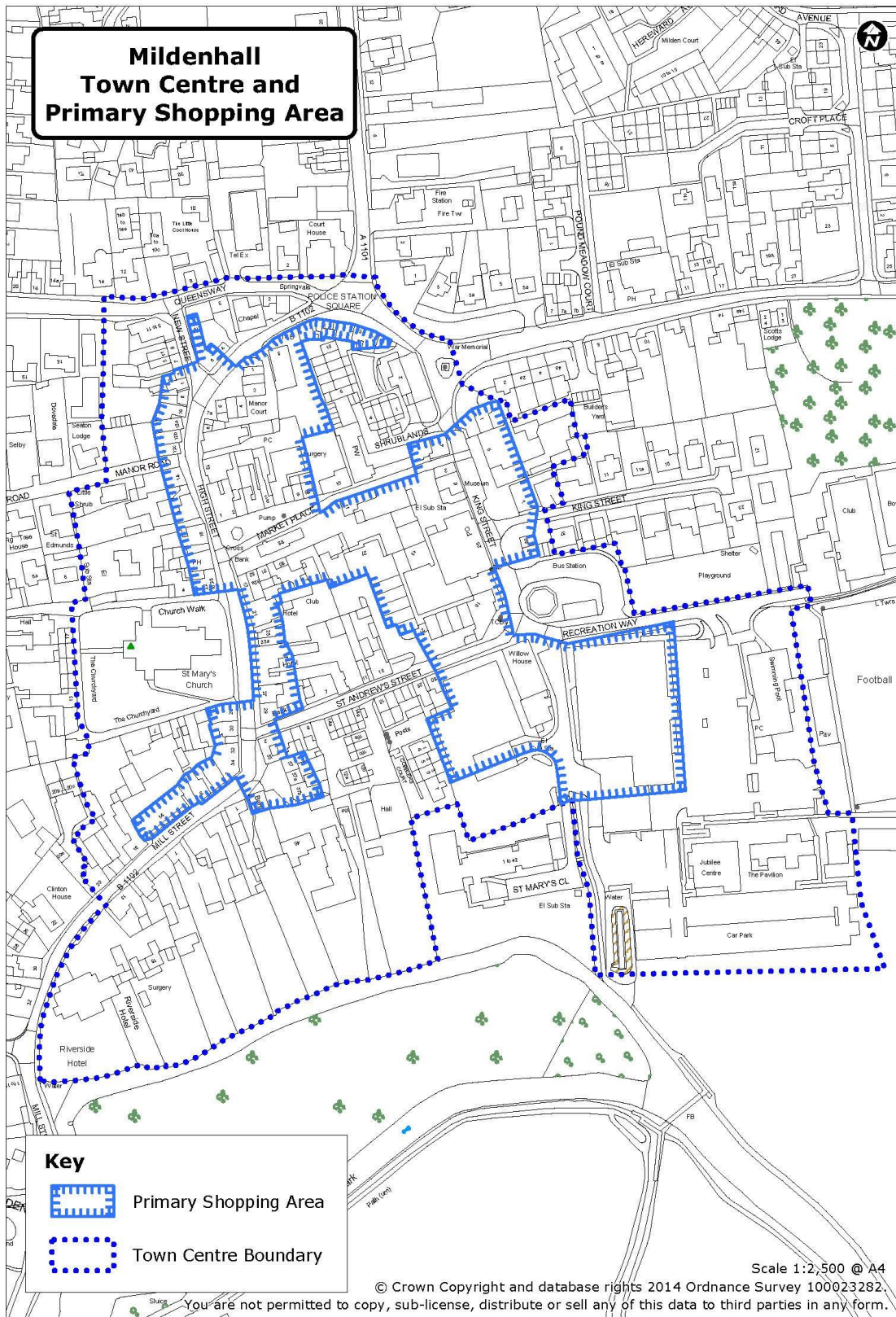








# Mildenhall Town Centre and Primary Shopping Area



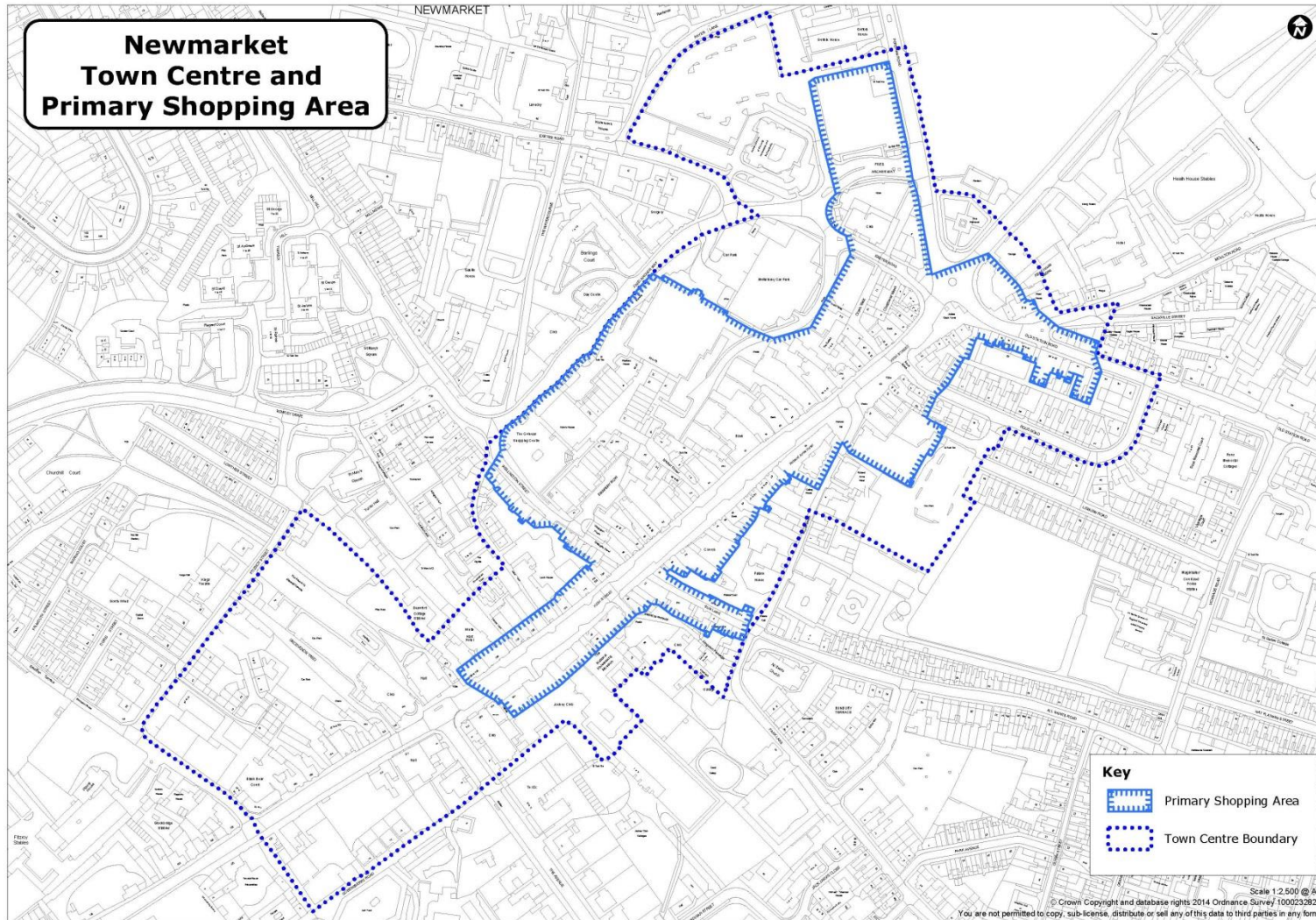
**Key**

-  Primary Shopping Area
-  Town Centre Boundary

Scale 1:2,500 @ A4

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# **Forest Heath and St Edmundsbury Local Plan**

## **Joint Development Management Policies ~~Submission~~ Document**

~~October 2012~~

**February 2015**

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# 1 Introduction

- 1.1 The Local Plans for Forest Heath and St. Edmundsbury are the policy backgrounds against which planning decisions - and other decisions dealing with physical and environmental change in each authority area - are judged. This Joint Development Management Policies Development Plan Document (DPD) ~~is one of the planning policy documents that will sit within both Council's Local Plan. The policies within this document will be used in day-to-day planning decisions across both areas, in line with each Council's adopted Core Strategy.~~
- 1.2 This document will replace many of the policies within each Council's existing adopted Local Plan with locally-specific development management policies covering a wide range of topics, including housing, employment, transport and the preservation of the environment, which will add to and complement national planning policy.
- 1.3 The two authorities have worked collaboratively on a number of documents to date. Most of these joint projects have involved elements of the evidence base that supported both Core Strategies. Amongst the joint studies prepared were the Environmental and Infrastructure Capacity Appraisal (EICA), the Strategic Flood Risk Assessment and Water Cycle Study.
- 1.4 Given this history of close working the Authorities identified the preparation of this joint document for Development Management Policies as being a potential shared document, with one suite of planning policies covering both administrative areas, along with a list where necessary of locally distinctive policies, for example in relation to the ~~Forest Heath-specific Horse Racing Industry matters.~~
- 1.5 The benefits of this approach arise from the commonality of issues between both authorities in respect of development management issues, as well as from the clear benefits that are expected to accrue from the professional peer review of each authority's approach by the other. The use of the same policies across two adjacent areas also leads to a consistency of approach and also makes the process simpler for applicants who might deal with both districts separately. This form of approach is also generally supported by central Government who have urged closer working between Authorities where possible.

## Background

- 1.6 The new-style Local Plans will eventually replace both the existing Forest Heath Local Plan (adopted in 1995) 'saved policies' as listed within the Forest Heath Core Strategy (May 2010) Appendix A, and the existing Replacement St. Edmundsbury Borough Local Plan (June 2006) 'saved policies', which were saved in April 2009.
- 1.7 This document ~~forms the second element~~ is the first jointly prepared Local Plan to be brought forward for public consultation following both Council's Core

Strategies. The Forest Heath Core Strategy was adopted in May 2010, and then updated in April 2011 following a High Court Challenge. The St. Edmundsbury Borough Core Strategy was adopted in December 2010.

- 1.8 The Core Strategies are the principal documents that provide the overall strategic vision, in the case of Forest Heath to 2026 whilst looking ahead to 2031 for residential growth, and, in the case of St. Edmundsbury, looking forward to 2031. Given that both Core Strategies are now adopted this Joint Development Management Policies document has to be in conformity with them.
- 1.9 In addition to this document and the respective Core Strategies, both Authorities are preparing/have prepared other Local Plan Documents, which will provide a spatial vision, bringing together service delivery across all sectors, and which will, where appropriate, incorporate or complement the site specific allocations DPD across each District. The policies within the Joint Development Management Policies Document should be read alongside the policies within the Councils' other development plan documents to ensure consideration of all of the policies relevant to a particular proposal. A list of all of the documents and policies which make up the respective Councils' Local Plans is available on the Councils' planning policy webpage at ([www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)).
- ~~1.10 This stage represents the second formal consultation on this new combined plan, following the consultation from January – March 2012, although Forest Heath District Council did consult in 2004 on 'Issues and Options' for this plan and in 2006 on Preferred Options (which at that stage included both the Core Strategy and the Development Policies). St. Edmundsbury have also previously undertaken consultation in respect of the Development Management Preferred Options document between August and October 2009. This document therefore seeks to take account of those previous consultations and gives an insight into how the revised policy wording reflects previous responses.~~

### ~~Purpose of the Document~~

- ~~1.11 This document represents an important stage in the preparation of the Development Management Policies. Both Councils have considered the wording of the draft policies (as previously developed), and have identified the most sustainable way forward, which best meet the needs of both local areas and the strategic policies of the Core Strategies. Having consulted at that stage this further version of the document seeks to respond to the responses received, as well as to wider changes in the planning system, for example the publication of the National Planning Policy Framework in March 2012.~~
- ~~1.12 The significant stages in the preparation of this Development Management Policies document can be summarised as follows:~~
- ~~• Forest Heath – Evidence gathering, development and appraisal of options in consultation with a variety of stakeholders – completed 2005;~~

- ~~Forest Heath—Public participation on the preferred options (with Core Strategy)—initial stage September 2006;~~
- ~~St Edmundsbury—Consulted in respect of the Issues and Options (with Core Strategy) between November 2008 and January 2009;~~
- ~~St. Edmundsbury—Consulted in respect of the Development Management Preferred Options DPD between August and October 2009;~~
- ~~St Edmundsbury—Consulted in respect of the Development Management Submission Document Submission DPD between April and June 2010.~~
- ~~Joint Preferred Options consultation between January and March 2012.~~

~~1.13 This document is a list of policies against which, (amongst other material considerations), planning applications will ultimately be determined. The current policy at the local level is contained in the saved policies of both authority's adopted Local Plan and the proposals in this document will replace each adopted Local Plan's saved policies, including some elements of the Proposals Maps.~~

### ~~How to use the Document~~

~~1.14 The main part of this document is divided into chapters, each of which deals with a different topic. The proposed policy is given (boxed, and in bold lettering) preceded by a brief discussion on the evidence behind the policy.~~

### ~~How to have your say~~

~~1.15 Details of how to comment can be found within the accompanying covering letter.~~

## 2 Context

### Policy Context

- 2.1 The Joint Development Management Policies Document is brought forward by Forest Heath District Council and St Edmundsbury Borough Council in the context of other policy inputs. The Council has to take account of the national policy of central Government as well as the local context.
- 2.2 The Government's National Planning Policy Framework (NPPF) was published in March 2012. Regard has therefore been had to this document and the policies within it including the objective of achieving sustainable development. Policy DM1 is therefore intended as an overarching policy that seeks to enshrine at a local level both Council's commitment to the presumption in favour of sustainable development.

### Policy DM1

#### Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Councils will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

*Note: This policy has been published by the Planning Inspectorate and is required to be included in all Local Plans.*

## Habitat Regulations Assessment

- 2.3 In accordance with Regulation 61102 of the Conservation of Habitats and Species Regulations 2010 (as amended) a Habitats Regulation Assessment (HRA) screening has been carried out to determine whether this Development Management DPD is likely, either alone or in combination with other plans and projects, to have a significant effect upon the international sites identified. The results of the HRA screening show that there are no likely significant effects on the international sites.
- 2.4 If a proposed development could have a likely significant effect on an international site, further consideration and assessment will need to be made for these proposals at the development management stage or as part of lower tier development plan documents. This will require a thorough ecological assessment of the potential effects upon the relevant international site(s) so as to allow the Competent Authority (in this case Forest Heath District Council or St Edmundsbury Borough Council depending on the location of the development site) the ability to determine whether the development is likely to result in adverse impacts on the integrity of the site(s).
- 2.5 Any development that cannot demonstrate that it would not have an adverse effect upon the integrity of a European site, or that impacts can be adequately mitigated, will be refused (and in the case of lower tier development plan documents, these site allocations will not be taken forward in the final plans). This is in accordance with the precautionary principle enshrined within the Habitats Regulations. Where the Authority is satisfied that, there being no alternative solutions, the development must be carried out for imperative reasons of over-riding public interest, permission may be granted notwithstanding a negative assessment of the implications for the European site. In such situations the Authority will notify the Secretary of State and determine the application accordingly, and ensure that any necessary compensation measures are secured

## Core Strategy

- 2.6 The Joint Development Control Management Policies Document DPD must conform to the policies of the Core Strategy, which for Forest Heath was adopted in May 2010, updated April 2011, whilst for St Edmundsbury the date of adoption was December 2010.
- 2.7 Each Core Strategy contains a statement of the overall Spatial Strategy for Forest Heath District and St Edmundsbury Borough, and broad objectives for each main subject that is covered.

## Community Strategy

- 2.8 The West Suffolk Community Strategy was prepared by the Western Suffolk Local Strategic Partnership (WSLSP) as tThe Community Strategy for both Forest Heath District and St Edmundsbury Borough. The WSLSP has now been dissolved, its successor, the West Suffolk Partnership (WSP) has not

produced a community strategy as there is no longer a statutory requirement to do so. is the West Suffolk Community Strategy which provides a broad approach that also covers the west of Babergh District. However, bBoth Authorities will continue to work closely with the Strategic Partnership WSP to ensure, where appropriate, that spatial elements in the Community Strategy are reflected in this document and with organisations such as the Suffolk Strategic Partnership and the Suffolk Health and Wellbeing Board.

### 3 Sustainable Growth, Development and Design Principles

#### Creating Places – Development Principles and Local Distinctiveness

- 3.1 Good design is important for all development types in all locations. The NPPF makes it clear in paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. New development should achieve a high quality design that enhances the unique characteristics of an area and ensures a better quality of life for people within that area.
- 3.2 The relationship of new buildings with existing development and their integration into the surrounding area is important in achieving a coherent and interesting character and determines acceptable scale and appearance. However, design is not only a visual concern; it covers a wide range of functional aspects and is essential in achieving sustainable development. A well designed public realm can contribute to the vitality of an area by creating a sense of place where people want to live and work.
- 3.3 Retaining the local character and distinctiveness of the built environment, such as respecting the Norman grid pattern and views of the Cathedral in Bury St. Edmunds, or the unique equine interests within and around Newmarket, which contribute so significantly to its character, will be an important prerequisite for all new development proposals.

#### **Policy DM2**

#### **Creating Places - Development Principles and Local Distinctiveness**

**Proposals for all development, (including changes of use, shopfronts, and the display of advertisements), should, as appropriate:**

- a) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this;**
- b) maintain or create a sense of place and /or local character, particularly restoring or enhancing localities where strong local characteristics are lacking or have been eroded;**
- c) preserve or enhance the setting of, or views into and out of, a Conservation Area;**



- ~~d)~~ produce a landscape/townscape character appraisal prior to or as part of any concept statement and/or masterplan
- ~~e)~~d) not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement;
- ~~f)~~e) provide in line with national and detailed local policies (including policies in the DPD Plan), open space, recreation, play and leisure facilities as appropriate;
- ~~g)~~f) incorporate sustainable design and construction measures and energy efficiency measures as required by Policies DM7 and DM8 of this DPD Plan;
- ~~h)~~g) taking mitigation measures into account, not affect adversely:
- i) the distinctive historic character and architectural or archaeological value of the area and/or building;
  - ii) the urban form, including significant street patterns, individual or groups of buildings and open spaces;
  - iii) important landscape characteristics and prominent topographical features;
  - iv) sites, habitats, species and features of ecological interest;
  - v) the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or
  - vi) residential amenity
- ~~i)~~h) not site sensitive development where its users would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented;
- ~~j)~~i) produce designs and layouts which are safe and take account of crime prevention, community safety and public health;
- ~~k)~~j) produce designs that respect the character, scale, density and massing of the locality;
- ~~l)~~k) produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and

**m)) produce designs, in accordance with standards, that maintain or enhance the safety of the highway network; and**

**n)m) where necessary, incorporate appropriate refuse and recycling facilities, compost bins, water butts and litter and dog waste bins.**

## **Masterplans**

3.4 Masterplans are an essential tool in developing proposals for development with the local communities. Masterplans are detailed and holistic “blueprints” for the development of a site, prepared by the developer but agreed by the Local Planning Authority, based on a full understanding of the constraints that affect the site, and setting out the provision of physical and social infrastructure and amenities, and the progressive implementation and integration of the development with the social and physical fabric of the locality. Masterplans will be required for proposed development within many of the larger sites allocated in the respective Site Allocations DPDs: and for unallocated sites (including brownfield sites) that come forward for development which, exceptionally, due to their size or complexity, require a masterplan approach.

3.5 A Concept Statement is the high-level vision prepared by the Local Planning Authority of the kind of place that a new development should create. It will set out how the policies and objectives within this document will apply to a specific site in order to deliver the best possible economic, social and environmental benefits. Concept statements are not detailed documents, but provide more information for developers and the community than can be contained within policies or maps. Concept Statements will be prepared where necessary for many of the larger sites allocated in the Local Plans and the Site Allocations DPDs.

## **Policy DM3**

### **Masterplans**

**Masterplans will be required for proposals (i) on land allocated in Local Plans and the Sites Allocations DPD, where a Concept Statement has been prepared, and (ii) exceptionally any sites which by virtue of size, location or proposed mix of uses is determined justified by the Local Planning Authority to require a masterplanning approach. Masterplans will be based upon a Concept Statement, where they exist, or content of a Local Plan prepared by the Local Planning Authority.**

**Proposals for development of sites subject to Masterplans will be permitted only where proposals accord with Policy DM2 and with any relevant design guidance, Concept Statements, and Development Briefs approved by the Local Planning Authority or other adopted Supplementary Planning Documents.**

**Where appropriate, the masterplan will include an analysis of site conditions, consultation feedback and identification of key design issues, and will set out:**

- a) the exact site boundaries for the whole development and individual phases, including any growth proposed beyond the plan period;**
- b) defined neighbourhoods and development parcels ~~for which separate development briefs will be prepared~~, including plans to show in detail how the design principles will be implemented;**
- c) major landscaping, green infrastructure and open space proposals to assimilate new development into the landscape, provide sufficient recreational greenspace and create new habitats;**
- d) a comprehensive biodiversity plan, including species and habitat protection, mitigation, compensation and new habitat creation measures for sustainability for the whole development site;**
- e) how the development will seek to protect the historic environment;**
- f) design principles and measures to be taken to minimise climate change risks (such as extreme temperatures, flash flooding, ground heave etc.) in the location, orientation, construction and provision of buildings, infrastructure and services, including details of any blue corridors (areas designated for the channelling of overland flows of water away from property and key infrastructure);**
- g) proposed shopping centres/areas;**
- h) provision of public art;**
- i) the range and mix of housing types and the level of affordable housing provision in line with adopted policy;**
- j) density of housing/mix of uses for each neighbourhood;**
- k) location and design principles of employment sites;**
- l) location and design principles of social infrastructure sites;**
- m) pedestrian and cycle links, including access to all workplaces, shops, and community facilities, as well as providing access to the surrounding countryside and open space;**
- n) public transport links and a Travel Plan designed to maximise the use of bus and cycles and limit dependence on the private car. Developer funding will be required and the scale/proportion of this and delivery/funding implementation timetable will need to be set out in the masterplan to ensure revenue funding is secured to enable bus services**

to run from the first occupation of the site and for the medium to long term;

- o) the basic road network, and links to the existing highway network;
- p) provision for domestic waste disposal, storage and collection, a ~~composting unit and water butt per dwelling,~~ and commercial waste and recycling facilities (as appropriate) on non-residential developments, ~~and litter and dog waste bins on areas of amenity/open space;~~
- q) measures to reduce energy demand, maximising energy efficiency and secure on-site renewable, decentralised or low carbon energy generation to cut carbon dioxide emissions;
- r) resource efficiency and waste reduction measures including, if appropriate, a site resource and waste management plan/implementation timetable;
- s) phasing and funding release for any other social and physical infrastructure and implementation timetable, including phases beyond the plan period; and
- t) how the development will protect the amenity of nearby areas from noise, smell, vibration, overlooking, overshadowing, light or other pollution, or volume of vehicular activity generated.

## Development Briefs

3.6 A Development Brief provides a detailed framework for development of a site where a full master-planning approach is not required. Public consultation on Development Briefs should follow the relevant Statement of Community Involvement. This policy does not apply to those specific sites where a masterplan is required.

## Policy DM4

### Development Briefs

~~Proposals for development schemes identified by the Local Planning Authority as being of a size, location or proposed mix of uses, and/or of significant local interest, will normally be~~ Exceptionally a Development Brief will be required for a proposal which is justified by the Local Planning Authority as:

- i) being of a size; and/or
- ii) in a location; and/or
- iii) proposing a mix of uses; and/or

**iv) of significant local interest such as to make this necessary. required to be the subject of a**

**The Development Brief which shall have been through the agreed process of consultation and approved prior to the submission determination of a planning application. Development Briefs should accord with the Core Strategy, Infrastructure Delivery Plan, and other policies in this DPD, Policy DM2 and with any relevant design guidance, Supplementary Planning Guidance/Documents or DPDs, and other development guidance current at the time the scheme is being prepared, and where appropriate should identify:**

**Where appropriate, the Development Brief will include an analysis of site conditions, consultation feedback and identification of the key design issues and will identify:**

- a) the mix of housing and affordable housing provision for a site, (or details of unit size and mix for employment sites), and the density of housing across the site;**
- b) the mix of uses to be provided on a site, including the potential for areas to have multiple uses;**
- c) the social and physical infrastructure needed to serve the development including open space and play/recreation provision;**
- d) major landscaping and structural planting necessary so the development can be absorbed into the landscape and local biodiversity;**
- e) details of the manner in which any existing and proposed wildlife, landscape or historic features will be incorporated and where possible enhanced within development proposals;**
- f) provision for safe and attractive footpaths and cycle linkages to be kept, or created, to link the new development into nearby areas. (In particular, links should be created to district centres, including access to all workplaces, shops, and community facilities, and give access where achievable to the surrounding countryside);**
- g) details of vehicular movement, parking and public transport linkages;**
- h) details of phasing, funding release stages and delivery of social and physical infrastructure;**
- i) details of materials, design features and specific design guidelines, (such as height, layout, density, mix of uses, etc), for buildings and other townscape features in order to achieve local distinctiveness;**
- j) details of sustainable design and construction measures and energy efficiency measures to be incorporated;**

- k) details of the manner in which buildings and infrastructure, including blue corridors (areas designated for the channelling of overland flows of water away from property and key infrastructure, will be designed to address climate change risks, (such as extreme temperatures, flash flooding, ground heave etc); and
- l) measures to promote sustainable living patterns, including reducing the need to travel set out in a Travel Plan.

*Note: Developers should contact the Local Planning Authority at an early stage of the development process to ascertain the requirements for a development brief.*

## Development in the Countryside

3.7 The area outside defined development boundaries is classified as the countryside. The countryside is a principal element of the rural character of Western Suffolk and is enjoyed by both residents and visitors. The quality and character of the countryside should be protected and where possible enhanced and planning therefore has an important role in supporting and facilitating development and land use which enables those who earn a living from, and those who help maintain and manage, the countryside, to continue to do so.

3.8 The Government's NPPF advises in paragraph 109 that 'the planning system should contribute to and enhance the natural and local environment'. It is therefore important to manage development in the countryside but it is also recognised that some new development will help to support the rural economy, meet local housing needs and provide for particular uses such as renewable energy, community facilities, recreation and leisure. Such development is covered in specific policies in this document including Policies DM24, DM25, DM28, DM32, DM33, DM34, DM41, DM43, DM44, and DM48.

## Policy DM5

### Development in the Countryside

Areas designated as countryside will be protected from unsustainable development. ~~Any new sustainable development that recognises the intrinsic character and beauty of the countryside will be permitted where:~~ A new or extended building will be permitted, in accordance with other policies within this Plan, where it is for:

- ~~a) there is a justification for the development to be located in the countryside, including a demonstration of the sustainability of the proposal;~~
- ~~b) it will not result in the irreversible loss of best and most versatile agricultural land (grades 1,, 2 and 3a);~~

~~c) there will be no significant detrimental impact on the historic environment, visual amenity of the landscape or nature conservation and biodiversity interests; and~~

~~d) there will be no significant adverse impact on the local road network.~~

a) purposes directly related to agriculture or forestry;

b) affordable housing for local needs in accordance with other policy;

c) development relating to equine related activities and the horse racing industry;

d) essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside, leisure activities, and new tourism facilities;

e) a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM26;

f) small scale residential development of a small undeveloped plot, in accordance with policy DM27; or

g) the replacement of an existing dwelling on a one for one basis where it can be demonstrated that:

i) the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,

ii) the curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM25.

~~A new or extended building will normally be permitted, in accordance with other policies within this DPD, where it is for:~~

~~e) purposes directly related to agriculture or forestry;~~

~~f) affordable housing for local needs in accordance with other policy;~~

~~g) development relating to the horse racing industry in accordance with other policy;~~

~~h) essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside;~~

- ~~i) a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM27;~~
- ~~j) small scale residential development of a small undeveloped plot, in accordance with policy DM28 of the DPD; or~~
- ~~k) the replacement of an existing dwelling on a one for one basis where it can be demonstrated that:
 
  - ~~i) the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,~~
  - ~~ii) the curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM26.~~~~

Proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:

- it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);
- there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and
- there will be no significant adverse impact on the local highway network.

## **Flooding and Sustainable Drainage**

3.9 The NPPF makes it clear in paragraph 94 that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand consideration'. The impacts of climate change will increasingly affect the layout of sites and developers will have to consider the increased risk of flooding, heat gain, subsidence and the greater importance of outdoor spaces.

3.10 More severe storms during the winter period are predicted for the East of England and this means that drainage systems will be put under more strain due to the effects of increased run-off from new developments and increased risk of flash flooding, particularly in urban areas. Water resources must be more efficiently captured to make sure they do not flow straight back into rivers and drains.

3.11 Urban areas will become more adversely affected by the urban heat island effect in the future and the provision of outdoor spaces is an important



adaptation method. Outdoor spaces should be permeable so as not to increase surface run-off and should provide pleasant, shaded spaces for people as demand to be outside throughout the year will be likely to increase. Surface water run-off systems should not be buried, unless there is no alternative. Overland systems will be considered preferable to piped systems for ease of maintenance and increasing public awareness of the impact of water.

3.12 Meanwhile, the East of England is the driest region in the country receiving only two thirds of the average UK annual rainfall. Many of the region's surface and ground waters are under severe pressure. Climate change will add to the pressure, altering both the pattern and the amount of rainfall.

3.13 The potential for climate change to affect infrastructure is a risk in the future with the possibility of increased flooding causing damage to electrical mains, substations and gas pipelines.

## Policy DM6

### Flooding and Sustainable Drainage

Proposals for all new development will be required to submit schemes appropriate to the scale of the proposal, detailing how the proposed development will address the following, both within buildings and open spaces: on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Examples include: rainwater harvesting and greywater recycling, and run-off and water management such as Sustainable Urban Drainage Systems (SUDS) or other natural drainage systems.

~~Flooding, water recycling (e.g. rainwater harvesting and greywater recycling), and run-off and water management such as Sustainable Urban Drainage Systems (SUDS) or other natural drainage system.~~

### Sustainable Design and Construction

3.14 While we are currently witnessing a move to transfer the bulk of energy and sustainability standards for housing into national Building Regulations, the Housing Standards Review<sup>1</sup> recognises the broader role of planning in promoting sustainable development and sustainable energy use in new development. It highlights the benefit of bringing the planning and building control disciplines together at the pre-application stage in order to discuss and table all requirements on developments at an early stage of development.

3.14.15 Therefore, in order to support the move to a low carbon future, all new development will be required to demonstrate how it minimises energy and

<sup>1</sup> The Housing Standards Review (Consultation August 2013), Ministerial Statement with supporting note (March 2014), and Consultation September 2014.

resource consumption during construction, throughout operation and, where relevant, removal, and also how it is located and designed to withstand the longer term impacts of climate change. Proposals that promote sustainable building forms and construction will be encouraged and developers are required to meet the standards under the Code for Sustainable Homes and BREEAM, as set out in Policy DM7.

~~3.15 In 2004, more than a quarter of the UK's carbon dioxide emissions came from the energy we use to heat, light and run our homes, (CLG, 2006). It is therefore important to ensure that homes are built in a way that reduces energy consumption and emissions and substantial efforts will need to be made to reduce energy consumption and to increase energy produced from naturally occurring renewable sources.~~

~~3.16 The Code for Sustainable Homes is intended as a single national standard to guide industry in the design and construction of sustainable homes. The Code measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package. These categories are energy/CO<sub>2</sub>, water, materials, surface water run-off, waste, pollution, health and well-being, management and ecology. The Code uses a one to six star rating system to communicate the overall sustainability performance of a new home. It suggests ways in which energy efficiency can be achieved and such measures should be incorporated in all new dwellings. The Code sets minimum standards for energy and water use at each level and replaces the EcoHomes scheme, developed by the Building Research Establishment (BRE).~~

~~3.17 The use of locally sourced sustainable materials will reduce the need to travel and therefore reduce CO<sub>2</sub> emissions. It will also contribute to the local distinctiveness of the area and the use of local skills and techniques should be encouraged. As well as the environmental benefits of using locally sustainable materials it will also contribute to the local economy.~~

3.16 Cutting greenhouse gas emissions as a way of mitigating further climate change is the responsibility of all of us, and should be an integral part of the design process of any development. The Government is promoting the cutting of greenhouse gas emissions as part of the design process for new development, with a target that all new homes will be zero carbon from 2016. One way of approaching this is to follow the Government's preferred Energy Hierarchy:

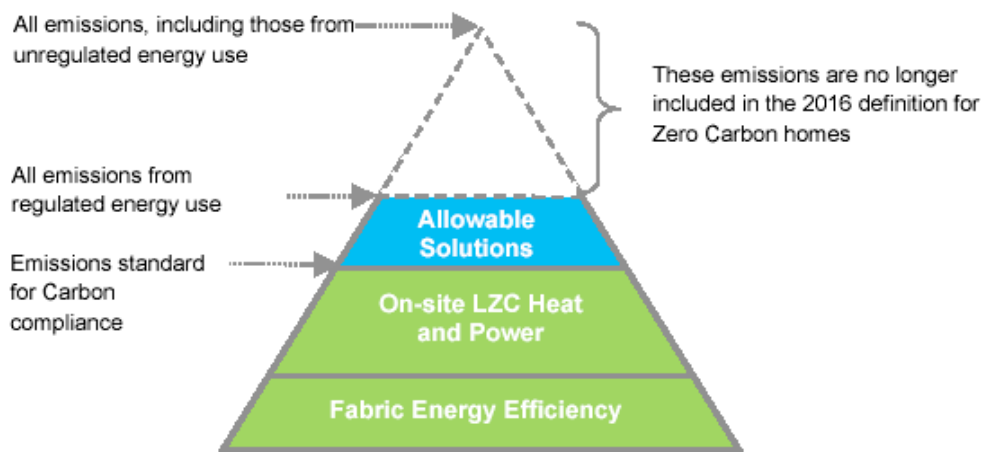


Figure 1: The Energy Hierarchy Pyramid from Zero Carbon Hub (2011) Allowable Solutions for Tomorrow's New Homes.

3.193.17 The lower portion of the hierarchy is called Carbon Compliance which refers to CO<sub>2</sub> reduction measures deployed on site in order to bring the dwelling's CO<sub>2</sub> emissions below certain regulatory maxima. This should be achieved through the following measures in order of preference:

- Energy efficiency: This is the base of the Energy Hierarchy pyramid and in the Government's words "This approach prioritises measures which are likely to be cost effective in the longer-term and will generate wider benefits to the economy as a whole, for example reducing the overall energy requirements to be met from relatively costly renewable energy."
- On-site low and zero carbon energy (and connected heat): This is the next level in the hierarchy and includes renewable energy microgeneration (e.g. solar PV panels, ground source heating) or connection to a decentralised heat (or heat and power) network.

3.203.18 The Government's Renewable Energy Strategy, (Department of Energy and Climate Change [DECC] 2009), outlines the UK's path to meeting targets set in the EU Renewable Energy Directive (2009). The strategy sets a target of 15% of energy from renewable resources by 2020. This is likely to mean that a contribution of around 50% will be required from renewable electricity to meet this, (7.5% of all energy), or viewed another way, 30% of all electricity needs will need to be met from renewable sources.

3.19 The use of locally sourced sustainable materials will reduce the need to travel and therefore reduce CO<sub>2</sub> emissions. It will also contribute to the local distinctiveness of the area and the use of local skills and techniques should be encouraged. As well as the environmental benefits of using locally sustainable materials it will also contribute to the local economy.

3.20 The Authorities will expect and encourage developers to explore innovative ways of cutting CO<sub>2</sub> emissions.

3.16 ~~The Code for Sustainable Homes is intended as a single national standard to guide industry in the design and construction of sustainable homes. The Code measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package. These categories are energy/CO<sub>2</sub>, water, materials, surface water run-off, waste, pollution, health and well-being, management and ecology. The Code uses a one to six star rating system to communicate the overall sustainability performance of a new home. It suggests ways in which energy efficiency can be achieved and such measures should be incorporated in all new dwellings.~~

<del>Code Level</del>	<del>Minimum number of points required</del>
<del>Level 1 (*)</del>	<del>36</del>
<del>Level 2 (**)</del>	<del>48</del>
<del>Level 3 (***)</del>	<del>57</del>
<del>Level 4 (****)</del>	<del>68</del>
<del>Level 5 (*****)</del>	<del>84</del>
<del>Level 6 (*****)</del>	<del>90</del>

~~The Code sets minimum standards for energy and water use at each level and replaces the EcoHomes scheme, developed by the Building Research Establishment, (BRE).~~

3.21 The Code for Sustainable Homes (CSH) currently measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package, using a one to six star rating system to communicate the overall sustainability performance. The government have indicated in the Housing Standards Review (HSR) (Consultation Draft September 2014) that the CSH is likely to be phased out, and sustainability measures for new homes will be dealt with through Building Regulations. Following the dissolution of the Code for Sustainable Homes, new residential development will be encouraged to undertake an assessment under any voluntary standard that the Building Research Establishment (BRE) develops to replace it.

3.22 The non-residential equivalent of the CSH is known as BREEAM. The BRE website explains that "A BREEAM assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology. They include aspects related to energy and water use, the internal environment (health and well-being), pollution, transport, materials, waste, ecology and management processes." BREEAM New Construction is widely adopted and understood by the construction industry and is therefore used as the non-residential standards in Policy DM7<sup>2</sup>.

3.23 The NPPF is clear that Local Plans should adopt nationally recognised standards on the sustainability of buildings (paragraph 95), and that Local

<sup>2</sup> Note: 'Target Zero - Cost effective routes to zero carbon' includes estimates of the additional costs of achieving BREEAM Excellent across a range of build types

Planning Authorities “should adopt proactive strategies to mitigate and adapt to climate change” (paragraph 94).

3.24 Meanwhile, the HSR (Consultation Draft September 2014) (paragraphs 90–99) proposes that Local Authorities should be able to set standards for water efficiency beyond the current requirements of the Building Regulations Part G in Plan policies (where evidence is tested through Examination, HSR paragraphs 20 – 26). These standards will be equivalent to the water requirements of Code for Sustainable Homes Level 3-4 (110 litres per person per day including external use) based either on a fittings specification in addition to a fixed per capita daily consumption volume, or with the option of using the methodology set out in the Water Efficiency calculator for New Dwellings (DCLG September 2009).

3.25 The authorities both face particular challenges in terms of water resources (quality and conservation) and the Forest Heath Water Cycle Study - Stage 2: Full Strategy highlights the importance of Code Level 3-4 water efficiency standards in new development to achieve the long term Anglian Water Services plan to meet the water resource needs of the area. The study also cites the Environment Agency's Water for People and the Environment which sets out the need for a new developments to meet Code Level 3-4 water efficiency standards if Defra's UK-wide water consumption target (for new and existing residential development) is to be achieved. Policy DM7 therefore builds on the authorities' Core Strategy Policies (Forest Heath Policy CS4, and St Edmundsbury Policy CS2, particularly paragraphs F) and G)) and introduces water efficiency standards equivalent to Code Level 3-4 in line with government advice on this matter.

## **Policy DM7**

### **Sustainable Design and Construction**

**All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and maximise optimise energy efficiency through the use of design, layout, orientation, materials, insulation, and construction techniques.**

**In particular, proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed to ensure that either:**

- **water consumption is no more than 110 litres per person per day (including external water use) as calculated using the government's (September 2009) Water Efficiency Calculator or such standard that replaces it, or**

- no water fitting exceeds the values set out in Table 1 below (or any other fittings specification that government issues to supersede this).

~~All proposals for new residential development will be required to meet the following full Code for Sustainable Homes standards or an equivalent standard where appropriate. These requirements will not come into effect until successive updates to Part L of the Building Regulations become mandatory:~~

- ~~at least Code level 3 is currently required.~~
- ~~at least Code level 4 will be required for all new homes once updates to Part L come into effect, (currently scheduled for 2013).~~

~~All new non-residential developments over 1000 square metres will be required to achieve the BREEAM "Very Good" standard or equivalent until 2013 when developments will be required to meet BREEAM "Excellent" standard or equivalent unless it can be demonstrated that one or more of the following conditions apply: New non-residential developments below this threshold will also be encouraged to meet this standard.~~

- It is not possible to meet one or more of the mandatory credits for an Excellent rating due to constraints inherent within the site. In this case development will be expected to accrue the equivalent number of credits by targeting other issues while achieving an overall Very Good rating.
- The cost of achieving an Excellent rating can be demonstrated to compromise the viability of the development. In this case applicants will be expected to agree with the Council whether the target should be relaxed, or whether cost savings could be achieved in another aspect of the development.

All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.

~~The submission of Code for Sustainable Homes or BREEAM pre-assessment reports (as appropriate), will be required to demonstrate compliance. Conditions will be attached to planning permissions requiring submission of final Code certificates and post-construction BREEAM certificates (as appropriate), and such conditions will not be discharged until compliance has been satisfactorily demonstrated.~~

~~Opportunities for the delivery of new development which surpasses the requirements outlined above will be identified for specific sites in Area Action Plans, or Concept Statements, and shall subsequently be incorporated into Masterplans or Development Briefs as appropriate.~~

<u>Water Fitting</u>	<u>National Base Level</u>
<u>WC</u>	<u>6/4 litres dual flush or 4.5 litres single flush</u>
<u>Shower</u>	<u>10 l/min</u>
<u>Bath</u>	<u>185 litres</u>
<u>Basin Taps</u>	<u>6 l/min</u>
<u>Sink Taps</u>	<u>8 l/min</u>
<u>Dishwasher</u>	<u>1.25 l/place setting</u>
<u>Washing Machine</u>	<u>8.17 l/kilogram</u>

**Table 1: fittings-based specification from DCLG (2014) Housing Standards Review: Approved Document G: Requirement G2 Water efficiency.**

## **Improving Energy Efficiency and Reducing Carbon Dioxide Emissions**

3.18 Cutting greenhouse gas emissions as a way of mitigating further climate change is the responsibility of all of us, and should be an integral part of the design process of any development. The Government is promoting the cutting of greenhouse gas emissions as part of the design process for new development, with a target that all new homes will be zero carbon from 2016. One way of approaching this is to follow the Government’s preferred Energy Hierarchy:

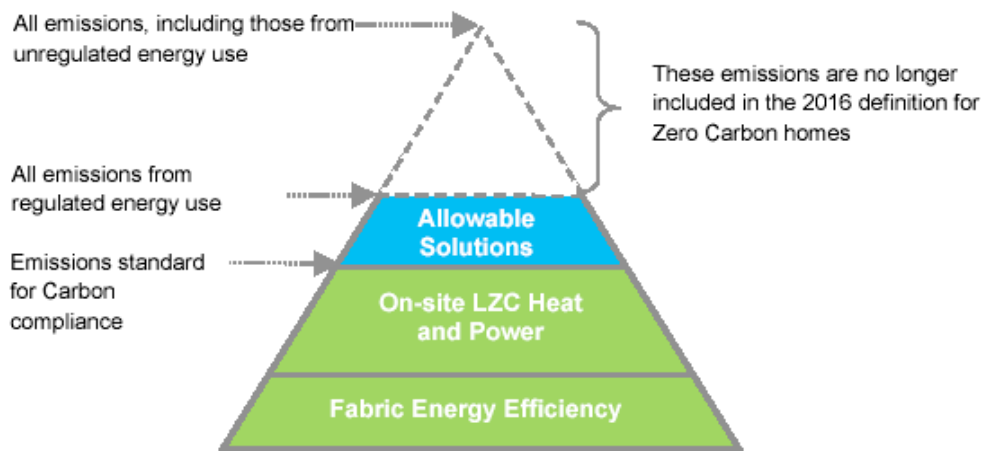


Figure 1: The Energy Hierarchy Pyramid from Zero Carbon Hub (2011) Allowable Solutions for Tomorrow’s New Homes.

3.19 The lower portion of the hierarchy is called Carbon Compliance which refers to CO<sub>2</sub> reduction measures deployed on site in order to bring the dwelling’s CO<sub>2</sub> emissions below certain regulatory maxima. This should be achieved through the following measures in order of preference:

- **Energy efficiency:** This is the base of the Energy Hierarchy pyramid and in the Government’s words “This approach prioritises measures which are likely to be cost effective in the longer term and will generate wider benefits to the economy as a whole, for example reducing the overall energy requirements to be met from relatively costly renewable energy.”

- ~~On-site low and zero carbon energy (and connected heat): This is the next level in the hierarchy and includes renewable energy microgeneration (e.g. solar PV panels, ground source heating) or connection to a decentralised heat (or heat and power) network.~~

~~3.20 The Government's Renewable Energy Strategy, (Department of Energy and Climate Change [DECC] 2009), outlines the UK's path to meeting targets set in the EU Renewable Energy Directive (2009). The strategy sets a target of 15% of energy from renewable resources by 2020. This is likely to mean that a contribution of around 50% will be required from renewable electricity to meet this, (7.5% of all energy), or viewed another way, 30% of all electricity needs will need to be met from renewable sources.~~

~~3.21 Whilst the Authorities support the 10% target for new development proposals sourcing energy from decentralised and renewable or low-carbon sources set out in Policy ENG1 of the East of England Plan, it seems likely that on the large strategic housing sites economies of scale can be achieved that would mean the 10% target should be exceeded. Further work will be carried out, and if appropriate a higher target set in policies within Local Plans etc.~~

~~3.22 The means of generating renewable energy can be from a number of different sources such as photo-voltaic energy, solar thermal water heating, wind, anaerobic digestion, energy crops and biomass, but this does not include energy from domestic or industrial waste. Where the incorporation of renewable energy equipment would make the development unviable it will not be expected. It will be for any applicant or developer to demonstrate the impracticability of incorporating renewable energy generation. Additional cost will not, on its own, amount to impracticability.~~

~~3.23 The Authorities will expect developers to explore innovative ways of cutting CO2 emissions and/or, as appropriate, meeting the target for producing a proportion of the energy requirements of the development from renewable resources.~~

## **Policy DM8**

### **Improving Energy Efficiency and Reducing Carbon Dioxide Emissions**

**All proposals for new development including the re-use or conversion of existing buildings will be expected to maximise energy efficiency through the use of design, layout, orientation, materials, insulation, and construction techniques and, where feasible and viable, improve on the standards set in the version of the Building Regulations Part L current at the time of submission.**

**All new developments of 10 or more dwellings, or in excess of 1000 sq. m. in the case of other development, shall achieve a 10% reduction in residual CO2**



~~emissions in all buildings after compliance with the current / prevailing version of Building Regulations Part L (until such time as zero carbon standards are required under Part L) has been demonstrated, unless it can be demonstrated to the satisfaction of the Local Planning Authority that this level is not viable. This should be achieved by following the 'carbon compliance' elements of the Energy Hierarchy, i.e. a combination of energy efficient measures, directly connected heat (heat source not necessarily on site) and incorporation of on-site low carbon and renewable technologies.~~

~~Planning approval will be dependent on the provision of an energy statement informed by preliminary calculations under the Standard Assessment Procedure and National Calculation Method or such methodologies as replace these, unless it can be demonstrated to the satisfaction of the Local Planning Authority that a more appropriate methodology should be used.~~

~~Conditions will be attached to planning permissions requiring submission of as-built Building Control Compliance documentation showing the Target Emission Rate (TER) and Dwelling Emission Rate (DER) / Building Emission Rate (BER), or such other metrics as replace these.~~

~~There may be opportunities for the delivery of new development which surpasses the requirement outlined above and the Local Planning Authority will identify such sites through Area Action Plans and Concept Statements, and which shall subsequently be incorporated into Masterplans or Development Briefs.~~

~~*Note: Information, advice and supporting guidance will be provided by guidance leaflets on the planning pages of the councils' websites.*~~

## Low and Zero Carbon Energy Generation

3.243.26 The NPPF supports the move to a low-carbon economy, and recognises that even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions.

3.253.27 The NPPF states in paragraph 97 that 'to help increase the use and supply of renewable and low-carbon energy, Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources'. Renewable energy policies that reduce carbon emissions and secure a safe, clean source of energy are part of this strategy for tackling climate change. The scale and type of renewable energy sources varies greatly, and technology is developing quickly in this area and, subject to criteria set out in other policies in this DPD, the Authorities will consider favourably proposals for the research and development and manufacture of these technologies, and proposals for the generation of renewable energy.

3.28 Low and Zero Carbon energy generation infrastructure has different locational requirements depending on the energy source, and some types of equipment, such as wind turbines and solar arrays, can cause harm to the character and/or appearance of nature conservation sites, Conservation Areas or other heritage assets. Where possible developers are encouraged to site such equipment outside these areas but where this is not possible such development must represent the highest standards of siting and design.

3.263.29 The Ministry of Defence, (MOD), have advised that the current design of wind turbines that are located within radar line of sight significantly affect both air defence and air traffic control radar. In establishing the criteria for proposals for wind turbines, (and other forms of renewable energy), the Authorities will give particular consideration to the acceptability of the location and scale of the proposed development in relation to MOD operational requirements.

## **Policy DM98**

### **Low and Zero Carbon Energy Generation**

**All proposals for generation or recovery of low carbon or renewable energy, such as wind turbines, biomass, and combined heat and power, will be encouraged subject to the following criteria:**

- a) proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal.**
- b) proposals will be required to include a landscape and visual assessment which should, where appropriate:
  - i) Show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact;**
  - ii) Include mitigation measures to address the visual impact of the scheme;**
  - iii) Include an appraisal of the impact, on the environment of the proposal either in isolation or cumulatively with any other similar developments;****
- c) where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.**

**All proposals will need to demonstrate to the satisfaction of the Local Planning Authority that due regard has been given to the following:**

- d) the impact of off-site and on-site power generation infrastructure including achieving underground connections to the electricity grid system; and
- e) in respect of proposals for wind turbines, current standards relating to noise emission, shadow flicker and other negative effects such as interference to television transmission and air traffic control systems and the effects on public health; and
- f) soil quality is not affected adversely by either construction or the operation or decommissioning of the development.

In the case of proposals in nature conservation sites, or within or visible from Conservation Areas or other heritage assets, the developer or operator must be able to demonstrate to the satisfaction of the Local Planning Authority that:

- ~~g) there is no suitable alternative location outside the designated area that would enable development to be sited and designed with the least harm; and;~~
- h) the proposal represents the highest standards of siting and design appropriate to the location.

## Infrastructure Services and Telecommunications Development

~~3.273.30~~ Modern telecommunications have grown rapidly in recent years with mobile phones now forming an integral part of everyday life. The siting and design of telecommunications infrastructure are often a particular concern for people within ~~the an~~ area, and low carbon/telecommunications infrastructure can cause harm to the character and/or appearance of nature conservation sites, Conservation Areas or other heritage assets. Where possible developers are encouraged to site such equipment outside these areas but where this is not possible such development must represent the highest standards of siting and design. However, improvements to telecommunications networks can help to promote sustainable communities and lead to economic benefits. This policy is designed to facilitate the growth and improvement of the telecommunications network whilst keeping the environmental impact to a minimum.

~~3.283.31~~ The Government's policy on communications infrastructure is set out within the NPPF. Paragraph 42 recognises that 'advanced, high quality communications infrastructure is essential for economic growth' and that the 'objective for the planning system is to facilitate the growth of new and existing telecommunication systems in order to ensure that people have a wide choice of providers and services, and equitable access to the latest technology'.

~~3.293.32~~ Some telecommunications development benefits from permitted development rights under Part 24 of the General Permitted Development Order 1995, (as amended). Where the development is subject to the prior approval

procedure, prior approval will be required by the Local Planning Authority where there is considered to be a significant impact in terms of the siting and appearance of the development.

## **Policy DM109**

### **Infrastructure Services and Telecommunications Development**

All power generation (except low and zero carbon generation, which is addressed in Policy DM98) and supply and telecommunications development should be designed and sited to minimise intrusion and visual impact.

Permission for all telecommunication developments will ~~normally be granted~~ be permitted where:

- ~~a) a full justification has been made to satisfy the local planning authority that there is a need for the proposed development; and~~
- b)a) in the case of telecommunication equipment sufficient evidence has been provided to indicate that appropriate consultation with nearby schools and colleges has taken place before an application has been submitted; and**
- e)b) in the case of ground based masts, apparatus can not be located on an existing mast, site, suitable building or other existing structure where this best minimises impacts; and**
- d)c) there will be no significant detrimental effect upon biodiversity interests in accordance with Policies DM1110, DM1211 and DM1312 ;**

All proposals should include a landscape and visual assessment which should, where appropriate:

- i) show the impact of the proposal in the landscape or townscape or upon the setting of heritage assets;**
- ii) include mitigation measures to address the visual impact of the scheme;**
- iii) include an appraisal of the impact on the environment of the proposal, either in isolation or cumulatively with any other similar and / or nearby power or telecommunications related developments;**

Permission for infrastructure for the connection or supply of power to the National Grid, and for telecommunications developments will be granted only where:

- d) in the case of proposals in nature conservation sites, or within or visible from Conservation Areas or other heritage assets, the developer or**

operator can demonstrate to the satisfaction of the Local Planning Authority that there is:

- i) ~~no suitable alternative location outside the designated area that would enable development to be sited and designed with the least harm; and;~~
- ii) the proposal represents the highest standards of siting and design appropriate to the location. ~~;~~ and
- iii) ~~with~~ With regards to full planning permission, if the local planning authority ~~feel~~ considers that a power supply or connection to the National Grid or a telecommunications development should be made available for sharing the applicant will be obliged to supply evidence demonstrating if this is possible and, if so, such may be subject to a planning obligation.

Consideration will be given as to whether development will impact on the use of the highway, with particular attention paid to the potential for restrictions on the width of the highway, to the detriment of safety, amenity and/or accessibility.

Should the need for any power or telecommunication equipment and/or mast and other apparatus cease, developers and operators will be required to remove any redundant equipment and apparatus from the site

## 4 The Natural and Historic Environment

### Protecting and Enhancing Biodiversity and Geodiversity

- 4.1 The Authorities consider that it is possible, with sensitive planning and development, to conserve and enhance biodiversity and protect geodiversity. Nature conservation sites, both statutory and non-statutory, together with other countryside features which provide wildlife corridors and links, form an essential network which is necessary to ensure the continuation of the range and diversity of flora and fauna and the survival of important species. Development proposals should seek to conserve or enhance the biodiversity and geological interests of the area and in particular ensure that protected species and habitats including those set out in UK and local Biodiversity Action Plans (BAPs) will be protected and, where possible, enhanced. The Councils will achieve this through the use of conditions and planning obligations.
- 4.2 Where there is a possibility that development will affect biodiversity, the level of impact needs to be determined and a suitably detailed survey of species and/or habitat will be required before a planning application is considered. The scope of such survey will be determined using the Suffolk biodiversity validation checklist, local requirements and Natural England standing advice. Any assessments will need to be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Where the benefit of development is considered to outweigh the risk to biodiversity and there is no alternative, provision will be required for mitigation, and if necessary, compensatory measures, so that disruption to the biodiversity network is minimised and there is no net loss of features. The authorities will promote habitat creation and the requirement to ensure enhanced management. Encouragement will also be given to measures which improve public access to natural habitats where appropriate.

### **European Sites**

- 4.3 Within the two districts there are a number of internationally, nationally and locally important sites that will be protected. Internationally and nationally important sites include Ramsar sites, Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), Geological SSSI's and National Nature Reserves.

### **Breckland Buffers**

- 4.4 ~~In the UK, SPAs and SACs are collectively known as European Sites.~~ In both St Edmundsbury and Forest Heath, parts of the Brecks are designated as a Special Protection Area and Special Area of Conservation (collectively known as European Sites). The EU Habitats Directive requires that an Appropriate Assessment (AA) is undertaken where a plan or project is likely to have a significant effect on a European Site. This enables a judgement to be made on whether there will be an adverse effect on the integrity of the site. In

accordance with the mitigation/avoidance measures identified in the authorities Core Strategies, development which falls within the SPA buffers will require a project level HRA to determine whether the development will have an impact on the integrity of the SPA. Where it cannot be concluded that development is not likely to have an adverse effect on the integrity of the SPA, the development will not be permitted unless the tests of Regulation 61 on be determined in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). are met.

### **National, County and Local Sites**

4.5 There are also other areas of biodiversity or geodiversity interest of National, County and local importance in both the countryside and built up areas which merit protection. The biodiversity or geodiversity value of these areas will be taken into account when considering development proposals that would affect them. These sites include SSSI's, Geological SSSI's, National and Local Nature Reserves, County Wildlife Sites, County Geodiversity Sites, Local Wildlife Sites, Regionally Important Geological/Geomorphological Sites (RIGS) and other sites of local nature conservation importance, including ancient and semi-natural woodland and veteran trees. The Suffolk Biological Records Centre is recognised as a valuable source of information and data on the Authority areas.

### **Mitigation hierarchy**

4.6 Paragraph 118 of the NPPF and British Standard BS42020:2013 set out a mitigation hierarchy for the consideration of applications where development may have an impact on biodiversity. The overall aim is to conserve and enhance biodiversity. The hierarchy is as follows:

- A) Avoidance – aim to avoid adverse effects through design or the selection of an alternative site.
- B) Mitigation – measures to minimise the negative effects of a project can be secured through the use of S106 agreements.
- C) Compensation – should only be used in exceptional circumstances after all other options have been considered and should only be for any residual impact that cannot be avoided or mitigated for.

## **Policy DM1110**

### **Impact of Development on Sites of Biodiversity and Geodiversity Importance**

**When considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources and the following criteria:**

- a) the ecological or geological value and objectives for which the site was classified or designated;
- b) the integrity of the site in terms of its wildlife value, its diversity and relationship with other ecological resources;
- c) the cumulative impact of the proposal and other developments on the wildlife or geological value of the site;
- d) the presence of protected species, habitat areas and wildlife corridors, or geological features, and proposed measures to safeguard and enhance them;
- e) the opportunity to create new habitat areas and to improve the conservation status of locally vulnerable species;
- f) guidance set down within Biodiversity Action Plans (BAP), habitat management plans and other relevant sources; and
- g) the extent to which the imposition of conditions or planning obligation:
  - i) would mitigate the effects of the development and/or protect the geological or nature conservation value of the locality;
  - ii) ensure replacement habitat or features; and/or
  - iii) ensure that resources are made available for the future enhancement and management of the replacement habitat or feature to enable it to attain the quality and attributes that have been lost.

~~Proposals for development which would have an adverse impact on adversely affect the integrity of areas of international nature conservation or geological importance, as indicated on the Proposals Policies Map, will be determined in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). not be permitted unless there are imperative reasons of overriding national public interest and that there is no alternative solution.~~

~~Development which would have an adverse impact on national, county and locally designated sites will not be permitted unless the need for the development clearly outweighs the importance of the nature conservation or geological value of the site.~~

Proposed development likely to result in adverse effects to a SSSI will not be permitted unless the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.



**Proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not be permitted.**

~~In considering development proposals which may give rise to serious or irreversible environmental damage to important biodiversity or geodiversity interests, the Local Planning Authority will apply the precautionary principle.~~

*Note: With respect to criterion g) the provision of replacement habitat or features is viewed as a last resort, rather than a regular development tool. Where compensation has been established as an acceptable approach, it will be necessary to provide replacement areas of at least equivalent value to the lost habitats. The local planning authority will normally expect new habitats to be in place to a satisfactory standard before the original habitats are lost.*

## **Protected Species**

4.64.7 The presence of protected species (including BAP species) such as bats, barn owls and great crested newts is a material consideration when considering a development proposal. In the first instance regard should be had to policies in the authorities Core Strategy Local Plans (Policy CS2 in both cases) that seek to protect and enhance natural resources and biodiversity in West Suffolk, including the habitats of protected species. The Local Planning Authority will seek to ensure that development will not harm the conservation status of such protected species and will seek expert nature conservation advice before granting planning permission.

## **Policy DM4211**

### **Protected Species**

Development which would have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to:

~~a) facilitate the survival of the protected species;~~

~~b)a) reduce disturbance to a minimum; and~~

~~b)(i) maintain the population identified on site; or~~

~~c)-(ii) provide adequate alternative habitats to sustain at least the current levels of population.~~

Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum.

*Note: Developers should take into account separate legislation, Acts, regulations, case law, planning guidance and any subsequent replacement Supplementary Planning Documents and laws preventing interference with protected species, and should be aware of the need to undertake relevant assessments, studies and surveys as required prior to the submission of a planning and related applications.*

## **Mitigation, Enhancement, Management and Monitoring of Biodiversity**

4.74.8 The impact of growth and development on biodiversity is measurable and often visible. Climate change is more gradual but is also having an effect on the habitat of birds and animals and their natural habitats over time, and together with the requirements of other policies in this DPD, climate change measures in new development should include measures to protect and enhance the biodiversity of the Districts.

4.84.9 The Councils will work with relevant agencies and bodies to continue to commit resources and effort to the management and monitoring of designated biodiversity sites, with particular regard given to visitor pressure and urban effects.

4.10 Where it is shown that development is likely to contribute towards recreational disturbance and visitor pressure within the Breckland SPA and SAC, contributions will be sought through S106 agreements towards management projects and monitoring, where these contributions meet the tests set out in paragraph 204 of the NPPF of being necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **Policy DM1312**

### **Mitigation, Enhancement, Management and Monitoring of Biodiversity**

In addition to, or as part of the requirements of other policies in this DPD, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancement could include watercourse

**improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird and / or bat boxes).**

**All new development (excluding minor household applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through CIL (or S106 agreements prior to 2014), towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.**

## **Landscape Features**

4.94.11 The character of the countryside is established principally by its landscape. The west of Suffolk has a diverse landscape, due both to geological influences and the long term impact of man's response to this through the use of land.

4.104.12 The Policy sets out the Authorities' aims to preserve each area's landscape features. Hedgerows, trees and other natural features are essential components of the landscape, enhancing visual amenity, the quality of the environment and providing habitat for a range of wildlife. This includes not only the physical retention of such features, but also their protection from impacts such as light spillage.

4.114.13 Where new development is proposed the preference will always be to incorporate existing natural features into the development. Where the development will fulfil important objectives and the loss of such features is unavoidable replacement provision of the same or greater value will be required.

4.14 Across West Suffolk gaps between settlements, including in those parishes with a number of separate greens or hamlets, and the landscape setting of settlements are essential components of their character and local distinctiveness. It is therefore important that the significance of these gaps is recognised and that new development does not dilute their contribution to maintaining the distinct form of these settlements, their landscape setting and separation from other settlements.

## **Policy DM4413**

### **Landscape Features**

**Development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.**

Areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the ~~proposal~~ Policies maps) have been identified. These areas, and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project) have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact.

All proposals for development should be informed by, and be sympathetic to, the character of the landscape. Landscape Character Types are identified in the Suffolk Landscape Character Assessment. However, the 'Type' boundaries are only indicative, being mapped for the whole county at a scale of 1:50,000. Therefore, the character of the site and setting of a proposal should be individually assessed.

All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape. , including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Gaps between settlements and their settings and the nocturnal character of the landscape, must be maintained.

Developers/applicants will be required to submit, where appropriate, landscaping schemes with applications for planning permission and for the approval of reserved matters.

Where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations.

However, it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.

Where this is not possible development will not normally be permitted.

## Safeguarding from Hazards

4.124.15 ~~The Health and Safety Executive and the Authorities have responsibility for ensuring that adequate safeguarding is provided to protect members of the public from hazardous substances, contaminated land and other dangerous areas. National policy is set out within the NPPF, and requires~~ planning decisions to ensure that new development is appropriate for its location, having regards to the effects of pollution, and taking account the

potential sensitivity of the area or proposed development to adverse effects from pollution. An important element of trying to plan for and maintain a sustainable balance between the economic, social and environmental dimensions of the locality is to ensure that new development does not conflict with existing developments that require particular conditions for their operation, and/or where the new development would be likely to result in significant restrictions on the activities of the existing use in the future. Land for proposed development should be suitable for the use proposed, or capable of being made suitable, and it may be necessary to attach conditions to planning permissions or to use Section 106 agreements to ensure adequate management or reduction of development impacts.

~~4.134.16~~ National policy is set out within the NPPF, and requires planning decisions to ensure that new development is appropriate for its location, having regards to the effects of pollution, and taking account the potential sensitivity of the area or proposed development to adverse effects from pollution. The Health and Safety Executive and the Authorities have responsibility for ensuring that adequate safeguarding is provided to protect members of the public from hazardous substances, contaminated land and other dangerous areas.

4.144.17 The Authorities will follow the precautionary approach, and will require developers to submit appropriate site investigations and studies together with proposals for mitigation measures and implementation schedules. Advice will be sought where appropriate about any planning application that might affect a known hazard or might create a new hazard. The aim is to provide a safe and healthy environment for those who live and work in Forest Heath and St. Edmundsbury.

## **Policy DM1514**

### **Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards**

**Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution), and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.**

**Development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from the development on:**

- **The natural environment, general amenity and the tranquillity of the wider rural area;**
- **Health and safety of the public;**
- **Air quality;**
- **Surface and groundwater quality;**

- **Land quality and condition; or**
- **Compliance with statutory environmental quality standards.**

**Development will not be permitted where there is an unacceptable risk:**

- a) due to siting on known or suspected unstable land; or**
- b) due to siting on land which is known to be or potentially affected by contamination or where the land may have a particular sensitive end use.**
- c) due to the storage or use of hazardous substances.**

**Proposals for development on or adjacent to land which is known to be or potentially affected by contamination; or land which may have a particular sensitive end use; or involving the storage and / or use of hazardous substances, will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, and remediation proposals and implementation schedule prior to or as part of any planning application.**

**In appropriate cases, the local planning authority may impose planning conditions or through a legal obligation secure remedial works and/or monitoring processes.**

## **Listed Buildings**

**4.154.18** Buildings are listed in recognition of their special architectural or historic interest and any works which affect the character of a listed building require Listed Building Consent.

**4.164.19** Within the Authorities' areas there are more than 3500 Listed Buildings and structures. One of the principal aims of listing is to prevent alterations that are detrimental to the special character of the building, including its interior. Listed buildings are a finite, non-renewable resource, which in many cases are highly fragile and vulnerable to damage and destruction, as once historic fabric is removed or altered it is lost forever. It is therefore important that they are protected through the planning system. The setting of a listed building is also important and proposals that detract from the setting will be resisted. The Authorities will not grant consent for the demolition of a listed building other than in the most exceptional circumstances and applicants will need to demonstrate that every effort has been made to keep the building.

**4.174.20** It is a statutory requirement for local planning authorities to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses.

## **Policy DM4615**

### **Listed Buildings**

Proposals to alter, extend or change the use of a listed building, or development affecting its setting, will ~~only~~ be permitted where they ~~would~~:

- a) demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance.
- a)b) contribute to the preservation of the building;
- b)c) are not be detrimental to the buildings' character or any architectural, archaeological, artistic or historic features that contribute towards its special interest;
- e)d) are be of an appropriate scale, form, height, massing, and design which respects the existing building and its setting;
- d)e) use appropriate materials and methods of construction which respect the character of the building;
- e)f) have regard to the historic internal layout and other internal features of importance;
- f)g) respect ~~not harm~~ the setting of the listed building, including inward and outward views;
- g)h) respect the character or appearance of a park, garden or yard of historic or design interest, particularly where the grounds have been laid out to complement the design or function of the building. A curtilage and / or setting which is appropriate to the listed building, and which maintains its relationship with its surroundings should be retained; and
- h)i) have regard to the present and future economic viability or function of the listed building.

Proposals to demolish all or part of a listed building will only be permitted in very exceptional circumstances. Applicants must demonstrate that all reasonable efforts have been made to sustain existing uses or find viable new ones, and that they have addressed the considerations set out in national legislation and guidance. Where appropriate, the recording of the building to a specified standard will be required prior to the commencement of demolition.

**All development proposals should provide a clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against any public benefits.**

**The level of detail of any supporting information should be proportionate to the importance of the building, the works proposed and sufficient to understand the potential impact of the proposal on its significance and / or setting.**

## **Local Heritage Assets and Buildings Protected by an Article 4 Direction**

4.184.21 \_\_\_ 'Local heritage lists play an essential role in building and reinforcing a sense of local identity and distinctiveness in the historic environment. They provide a unique opportunity for communities, in partnership with local authorities, to identify heritage assets that they wish to protect at the local level' (Good Practice Guide for Local Heritage Listing – English Heritage, 2012).

4.194.22 \_\_\_ Some buildings make an important contribution to the character and appearance of the towns, villages or a specific area within the two districts, but are not considered to be of sufficient quality in a national context to be listed. These are known as Local Heritage Assets. In order to deter the demolition or unsympathetic alteration of such locally important buildings, and given the role that they play in reinforcing a sense of local identity and distinctiveness in the historic environment, the Local Planning Authorities hold a list of Local Heritage Assets (known as 'Buildings of Local Significance' in St. Edmundsbury and 'Buildings of Local Interest' in Forest Heath) which will be the subject of review. The importance of such buildings can be due to their location, their appearance, their significance as part of a wider group, or their role in the social or economic development of the settlement or area in which they are located.

4.204.23 \_\_\_ Current legislation gives general permission for specified minor development and uses of land, including limited alterations and extensions affecting property in residential use (referred to as "permitted development"). Although permitted development is more restricted in Conservation Areas, in cases where buildings have qualities likely to be prejudiced by unsympathetic or uncoordinated change, and the appearance of the Conservation Area might be adversely affected, the Local Planning Authority has the power to withdraw some specific permitted development rights entirely. This is through serving a Direction under Article 4 of the General Permitted Development Order. The effect of this, known as an Article 4 Direction, is to require owners and occupiers to make individual applications for these specified forms of development so that the Local Planning Authority has full control over them, including the right to refuse permission. Currently over 1500 properties in six Conservation Areas in St. Edmundsbury have Article 4 Directions imposed on them to protect the character and visual qualities of the local area from unsympathetic changes. The local planning authorities periodically review Conservation Areas and as part of such reviews will consider imposing Article 4



Directions where the character of the local area would be diminished by unsympathetic “permitted development”.

## **Policy DM1716**

### **Local Heritage Assets and Buildings Protected by an Article 4 Direction**

Proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will ~~only be supported~~ permitted where they:

- ~~a) do not have a significantly detrimental effect upon the historic fabric, design, materials, elevational treatment and ornamentation of the original building;~~
- a) demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;
- b) respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;
- ~~b)c) will not entail an unacceptable level of loss, damage or covering of original features; and~~
- ~~c)d) have regard to will not have a significantly adverse impact upon the setting, plot layout and boundary features; or~~
- ~~d) the contribution made by any new development on the site to its surroundings, particularly with regard to the character and appearance of the wider area., outweighs any harm to, or arising from the loss of, the building.~~

In the case of works which would cause harm to a Local Heritage Asset, or building protected by an Article 4 direction or its setting, clear justification for the works must be provided so that the harm can be weighed against any public benefits.

The level of detail of any supporting information should be proportionate to the importance of the asset, the works proposed and sufficient to understand the potential impact of the proposal on its significance and / or setting.

## Conservation Areas

4.214.24 A Conservation Area is 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance', (Listed Building and Conservation Areas Act, 1990). The special character and appearance of a Conservation Area can be derived from many different aspects including the scale, style and materials of the buildings, the historic street pattern, street frontages and building lines, boundary structures, street furniture, trees and open spaces.

4.25 There are nearly fifty Conservation Areas in West Suffolk, and a great deal of material is available in adopted Conservation Area Appraisals and Management Plans and older-style Conservation Area Appraisals. These documents include an appraisal of the special character and appearance of the Conservation Areas and a summary of their key features and characteristics, and have been produced to guide future development.

### **Policy DM1817**

#### **Conservation Areas**

**Proposals for development within, adjacent to or visible from a Conservation Area must should:**

- a) **preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area;**
- b) **be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting;**
- c) **retain important natural features such as open spaces, plot divisions, boundary treatments, and trees and hedges, which contribute to the special character of the area;**
- d) **retain important traditional features that contribute to the area's character such as original doors, windows, shop fronts and flint or clunch walls;**
- e) **include fenestration which respects its setting;**
- f) **use materials and building techniques which complement or harmonise with the character of the area; and**
- g) **demonstrate a clear understanding of the significance of the Conservation Area and / or its setting, alongside an assessment of the potential impact of the proposal on that significance, where a Conservation Area Appraisal and Management Plan is adopted, the proposal should must demonstrate how the key characteristics of the character area have been addressed.**

New shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'House' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that a premises relies principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

Proposals to demolish buildings or structures that make a positive contribution to the special architectural or historic interest of a Conservation Area will only be permitted in very exceptional circumstances. Applicants must demonstrate that they have addressed the considerations set out in national legislation and guidance for such proposals. In particular it should be demonstrated that:

- i) the building or structure is structurally unsound and beyond reasonable repair, or the proper repair of the building would result in the loss of the qualities which give it architectural or historic interest; and/or
- ii) all possible measures to sustain an existing use or find an alternative use have been explored and failed, and redevelopment would bring substantial public benefits, and in both cases
- iii) planning permission has been granted for the redevelopment of the site and a contract for the carrying out of the works has been made.

~~Development proposals will not be permitted where this would harm the architectural or historic value of a locally listed building, or a previously unidentified heritage asset or their setting. The local planning authority will, as far as is possible, resist any proposals for the demolition of any building or structure of local interest, or previously unidentified heritage asset, unless they comply with criteria i, ii and iii of this Policy.~~

All development proposals should provide a clear justification for the works, especially if these works would harm the significance of a Conservation Area or its setting, so that the harm can be weighed against any public benefits.

The level of detail of any supporting information should be proportionate to the importance of the area, the works proposed and sufficient to understand the potential impact of the proposal on its significance and / or setting.

## **New Uses for Historic Buildings**

4.224.26 Many heritage assets have lost their original use and have been adapted over time to new uses. It is particularly the case with buildings that

their survival will frequently depend upon finding a viable new use. Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.

~~4.234.27~~ The Authorities will encourage new uses and/or modification/adaptation schemes for heritage assets that are in accordance with other Policies contained within the appropriate Local Plans and which are designed to reduce carbon emissions and secure sustainable development. However, local evidence has shown that conversion schemes can have a detrimental impact on the historic fabric and character of such buildings. The alterations necessary to continue the use of a building must be balanced against any impact on the historic fabric and character of the building and the Authorities will ensure that new uses or works respect the existing features of the building.

~~4.244.28~~ New uses must adapt to the building, not the other way around. This is particularly the case with historic barns. The best alternative or new use for a listed barn will be one that involves the least amount of intervention and preserves as much of the fabric and character of the building as possible. Commercial and community uses are often good uses for barns. Residential use of a listed barn will rarely be the best solution and, as such, will usually be resisted.

## **Policy DM1918**

### **New Uses for Historic Buildings**

**Permission for the adaptation of a historic building to sustain a new use will be permitted ~~only~~ where the proposal will protect the special significance ~~architectural or historic interest of~~ the building, and would not have a detrimental impact on:**

- a) **the character, appearance and setting of the building or significant elements of the buildings historic fabric.**
- b) **the scale, height, massing, alignment, style and materials of the building;**
- c) **the form, function and manner of construction of the building;**

**~~New use that would bring substantial community benefits, environmental enhancement or include alterations which help to mitigate climate change will be weighed against, and should aim to minimise, any potential harm to the significance of the historic building or its setting.~~**

**All development proposals should provide a clear justification for the works, especially if these works would harm the significance of a historic building or its setting, so that the harm can be weighed against any public benefits.**

**The level of detail of any supporting information should be proportionate to the importance of the building, the work proposed and sufficient to understand the potential impact of the proposal on its significance and / or setting.**

## **Development Affecting Parks and Gardens of Special Historic or Design Interest**

4.254.29 English Heritage has compiled a Register of Parks and Gardens of Special Historic Interest. The historic interest can derive from a combination of the layout, the planting and the views into and out of the garden. The Authorities will ensure that any new development is not harmful to the character of any historic park or garden or to its setting. In addition to those currently on the 'Gardens of Historic Interest' Register, there are many others of local interest. The Authorities will also seek to protect these when considering proposals.

### **Policy DM2019**

#### **Development Affecting Parks and Gardens of Special Historic or Design Interest**

**Proposals for development which affect the character, setting, or views into and/or out of parks and gardens of special historic or design interest and their settings must not have a detrimental impact upon:**

- a) the overall design and layout;**
- b) features, both built and natural, which form an integral part of the design and layout; and**
- c) views into, through, or out of the park or garden, particularly those which are an integral part of the design.**

## **Archaeology**

4.264.30 Archaeological remains are the evidence of the past development of our civilisation and are irreplaceable. Today's archaeological landscape is the product of human activity over thousands of years. It includes places of worship, defence installations, settlements and burial grounds, farms and fields and sites of manufacture. These remains vary enormously in their state of preservation and in extent of their appeal to the public.

4.274.31 West Suffolk is one of the outstanding areas in Britain for its wealth of archaeological features of all periods. There are a wide variety of different sites of archaeological importance and interest which may require protection from development. The area currently contains over 100 Scheduled Ancient Monuments as well as many other archaeological sites which are important for their education, research and tourist value. These are recorded in the Suffolk Historic Environment Record, which is a database recording all known archaeological remains within the county. However, the known sites are

considered to be only a small proportion of the total archaeological remains, due to the lack of systematic investigation across the West Suffolk area. A full inventory of all known heritage assets is maintained by Suffolk County Council's Archaeological Service. Policy DM21 applies to all archaeological sites and areas of high archaeological potential.

## **Policy DM2120**

### **Archaeology**

**Development will not be acceptable if it would have a material adverse effect on Scheduled Ancient Monuments or other sites of archaeological importance, or their settings.**

**On sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.**

**This will include one or a combination of the following:**

- a) an appropriate desk based assessment and / or field evaluation of the archaeological interest or significance prior to determination.**
- b) the preservation of archaeological remains *in situ*;**
- c) the adequate recording of the heritage asset by archaeological investigation before development commences (preservation by record).**

### **Heritage at Risk**

4.32 English Heritage publish a National Heritage at Risk Register which lists all the known heritage assets at risk by local authority and includes entries for listed buildings, conservation areas, scheduled monuments and registered parks and gardens. In addition, the local planning authorities in Suffolk jointly publish details of Suffolk heritage buildings known to be at risk through neglect and decay, or vulnerable to becoming so. This is known as the Buildings at Risk Register. The purpose of these registers is to keep attention focused on neglected buildings, and to help prioritise action to deal with them. Most of the buildings and structures listed are in poor condition but a few in fair condition are also included, usually because they have become redundant and their long term future is uncertain. The Authorities will continue to monitor heritage assets at risk, and will work with English Heritage and other bodies to try to secure the future of these heritage assets and their removal from the At Risk Registers.

## Enabling Development

4.28.33 In very exceptional circumstances, the Authorities may grant permission may be granted for development, which would otherwise not normally be acceptable, in order to secure the future conservation proper repair of a listed building or other historic asset. This is known as 'enabling development'. Any scheme proposing enabling development must demonstrate that the benefits of the proposal outweigh the disbenefits of departing from planning policies in this or other development plan documents.

4.29.34 English Heritage published guidance in 2008 entitled 'Enabling Development and the Conservation of Significant Places'. This gives detailed guidance on the process of securing enabling development and stresses that it should only be carried out as a last resort.

## **Policy DM2221**

### **Enabling Development**

**Enabling development that would secure the future of a listed building or other heritage asset, but would contravene other policies or objectives elsewhere in this Plan or other Development adopted Local Plans Documents, will not be permitted unless all the following criteria can be met:**

- a) it will not materially harm the special archaeological, architectural, historic, artistic, traditional or landscape interest of the heritage asset or its setting;**
- b) it will secure the long term future of the heritage asset through a full and properly implemented scheme of repair, and, where applicable its continued use for a sympathetic purpose;**
- c) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises harm to other public interests;**
- d) the public benefit of securing the future of the heritage asset through enabling development decisively and demonstrably outweighs the disbenefits of overriding other planning policies or objectives;**
- e) it avoids detrimental fragmentation of the heritage asset;**
- f) sufficient subsidy is not available from any other source; and**
- g) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid.**



## 5 Housing and Homes

- 5.1 The proposed settlement hierarchy and growth strategy for the individual Authorities is set out within their respective Core Strategy DPDs. The focus for major new development will be the larger towns and Key Service Centres.
- 5.2 A common objective for both Authorities is to deliver housing in a sustainable way, including specialist housing and affordable housing to meet the needs of the whole community, by providing an adequate and continuous supply of land for housing whilst seeking to maximise the amount of land with the least environmental or amenity value that is used. To achieve sustainable residential development that respects and, where appropriate, enhances the visual qualities and character of the built and natural environment, proposals for new development for new housing, (both Affordable Housing and market housing), residential conversions, rural exception housing, extensions or alterations to dwellings, or for Gypsy and Traveller accommodation, should comply with the policies in the relevant Core Strategy and with the other policies contained within this DPD.

### Residential Design

- 5.3 'Good quality housing design can improve social wellbeing and quality of life by reducing crime, improving public health, easing transport problems and increasing property values' Commission for Architecture and the Built Environment, (CABE), 2008. In addition, dwellings built to adapt to and accommodate the needs of the occupier over their lifetime can facilitate choice, help meet the needs of an ageing population and improve quality of life. New dwellings should be designed to meet these needs using the Lifetime Homes Standard or other similar design standards as appropriate.
- 5.4 The NPPF makes it clear in paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. Paragraph 58 sets out a list of criteria for good quality development and Policy DM22 builds on this to promote good quality, including innovative design, in all new residential development in West Suffolk.
- 5.5 Design review arrangements are in place to provide assessment and support to ensure high standards of design. When appropriate, developers will be encouraged to engage with design review panels during the pre-application stage of the design process. Applicants can apply for planning permission without going through a design review panel. However, schemes that have been through the design review process, and have developed positively in response to the recommendations from the design review panel, are less likely to be refused planning permission on the grounds of poor design. The LPA, in assessing applications, will have regard to the recommendations of the panel.

5.55.6 The detail within this policy should be read as well as, and in conjunction with, other policies in this DPD.

## **Policy DM2322**

### **Residential Design**

All residential development proposals should maintain or create a sense of place and / or character by:

- a) employing designs that are specific to the scheme, and which respond intelligently and appropriately to a clear brief articulated in a Design and Access Statement.
- b) basing design on an analysis of existing buildings, landscape or topography, and fully exploiting the opportunities that these present.
- c) utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
- d) creating or contributing to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming.
- e) creating and supporting continuity of built form and enclosure of spaces.

Residential development should be laid out to optimise amenity with streets and parking facilitating this primary objective. Therefore, in addition to the criteria above, development should:

- f) where appropriate, apply innovative highways and parking measures designed to avoid the visual dominance of highways and parking, these elements in the design and layout of new developments, whilst still meeting highway safety standards. ~~and the rigid application of engineering geometry to meet highways design standards.~~
- g) take opportunities for parking to support the street scene.
- h) ensure appropriate levels of permeability and accessibility favouring sustainable transport routes and consider the needs of pedestrians and cyclists before car users.
- i) integrate comfortably with surrounding street networks and enable integration into future additional development.
- j) seek to create a safe and welcoming environment.

New dwellings should also be of a high architectural quality, meaning that:

- k) they are fit for purpose and function well, providing adequate space, light and privacy.
- l) they are adaptable in terms of lifetime changes and use.
- m) they are well built and physically durable.
- n) they are the product of coherent and appropriate design principles.

## Special Housing Needs

5.65.7 The relatively high and growing elderly population in the areas make it likely that the need for specialist accommodation, such as nursing homes and communal housing for elderly people, will continue and increase as a specific housing need that will need to be met during the plan period. It may be that space and/or other medical standards or requirements will mean that some very specialised care homes cannot find suitable sites or buildings within the Towns, Key Services Centres, Local Service Centres/Primary Villages. In these cases developers will need to provide evidence of why other sequentially preferable buildings and sites are, or have been found to be, unsuitable and must also demonstrate the need for the facility in the particular locality.

5.75.8 The changing emphasis towards community rather than hospital care has also increased the need for individual accommodation for people who require support and/or supervision to live in, or be rehabilitated into, the community. It is important that flats for elderly people, sheltered housing, group/shared community care accommodation and nursing homes have access to adequate amenity space, and are provided in sustainable locations accessible on foot or by public transport so that residents can access services and facilities, and in accessible locations for employees/care workers.

### **Policy DM2423**

#### **Special Housing Needs**

**Proposals for new or extensions to existing accommodation for elderly and/or vulnerable people will be supported permitted on sites deemed appropriate for residential development by other policies contained within this and other adopted Local Plans, provided that such schemes meet the following criteria:**

- a) the proposed development is designed to meet the specific needs of residents including requirements for disabled persons where appropriate; and
- b) includes appropriate amenity space for residents of an acceptable quantity and quality; and
- c) the location of the development is well served by public transport, community and retail facilities; and
- d) the proposed development does not create an over concentration of similar accommodation in any one street or area.

**Proposals for extensions to existing specialist accommodation outside areas otherwise suitable for residential development will be supported permitted providing a need can be clearly demonstrated and the proposals meet criteria a), b), c) and d) above.**

## **Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage**

5.85.9 It is common practice for people to alter and extend their homes, and to provide outbuildings and other structures within the curtilage. Within the towns and villages home extensions can usually be accommodated subject to design and the potential effects on the quality of life of neighbours. Additional care is required when extending homes in the countryside. In all cases proposals should follow the criteria for good design set out in paragraph 58 of the NPPF.

5.95.10 Self-contained annexes are normally required for a relative that is either elderly or has other special needs. In the countryside or in other situations where a separate dwelling would normally be unacceptable careful consideration will need to be given to any proposed annexe to ensure that its size and design is suitable for the dwelling and its surroundings. An extension to an existing dwelling or the conversion of an outbuilding will be more appropriate than a new building and will normally have less visual impact within the landscape. An annexe must be capable of being integrated into the use of the main dwelling once the need for it has ceased and shall not be used as a separate dwelling.

5.105.11 Where proposals involve historic buildings particular consideration will need to be given to the character and appearance of the building and its setting and will also therefore need to be assessed against other Policies.

### **Policy DM2524**

#### **Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage**

**Within those towns and villages with settlement boundaries planning permission for alterations or extensions to existing dwellings, self contained annexes, and ancillary development within the curtilage of dwellings will be permitted, provided that the proposals:**

- a) respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area;**
- b) will not result in over-development of the dwelling curtilage; and**
- c) will not adversely affect the residential amenity of occupants of nearby properties.**

**In addition to criteria a, b and c, proposals for the alteration or extension of an existing dwelling in the countryside outside of towns and villages with settlement boundaries will also be required to demonstrate that: it is subordinate in scale and proportion to the original dwelling.**

- ~~i) it is subordinate in scale and proportion to the original dwelling; and~~
- ~~ii) it would not create or be capable of becoming a separate dwelling.~~

**Proposals for self contained residential annexes in the countryside will be permitted only where:**

- d) the design and siting of the annexe is such that it is capable of being reasonably integrated into the use of the original dwelling once the need for it has ceased;**
- e) the size of the annexe is the minimum necessary to meet the purpose; and**
- ~~f) the annexe is not capable of being used as a separate dwelling; and~~
- g)f) the size, scale, location and design relates satisfactorily to the existing dwelling and its curtilage, and to the wider surrounding area.**

**The occupation of the annexe will be controlled by planning condition or legal agreement to ensure that it is tied to the main dwelling and cannot be used as a separate dwelling**

## **Extensions to Domestic Gardens within the Countryside**

**5.115.12** Planning permission is required to extend the garden of a dwelling on to land which is used for another purpose. In the countryside proposals to extend gardens have to be considered in the context of a wider range of planning issues. The Councils are committed to maintaining the character and appearance of the countryside and safeguarding it from unsuitable development. By enlarging residential curtilages, changing plot boundaries and introducing domestic uses to land which was previously agricultural or some other rural use, garden extensions can have a significant visual impact. In many cases, such extensions gradually lead to urban characteristics (for example, sheds, garages, hardstandings, etc.) being introduced to areas whose open and attractive landscape qualities may be highly valued.

**5.125.13** The Councils recognise the interest of some rural householders in having larger gardens. Where these can be provided in such a way that the landscape and appearance of the area would not be harmed, a garden extension may be acceptable. Nevertheless, the Councils guiding principles remains the need to protect the rural environment and any such extensions, where they can be justified under this policy, will ordinarily be subject to a removal of 'permitted development' rights to ensure some continued further protection from physical encroachment.

## **Policy DM2625**

### **Extensions to Domestic Gardens within the Countryside**

**Extensions to domestic gardens within the countryside will not normally be permitted. Small, unobtrusive extensions of residential curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside may will be approved permitted where the following criteria are met –**

- a) the development will not involve the loss of the best and most versatile agricultural land;**
- b) the proposal will not involve the loss of an important hedgerow or other important landscape feature;**
- c) there will be no significant detrimental effect upon biodiversity interests; and**
- d) that provision is made for suitable landscaping to ensure boundary treatment is of an appropriate rural character and appearance.**

### **Agricultural and Essential Workers Dwellings**

**5.135.14** This policy provides guidance on how and in what circumstances provision of agricultural and essential workers dwellings will be permitted. There are cases where the demands of farming, forestry, or other rural based enterprises, such as commercial equine related businesses, make it essential for one or more persons engaged in this work to live at or very close to the site of their work. An exception can therefore be made where it is proven to be necessary for such housing in the countryside in order to sustain the effective operation of a viable rural business.

**5.145.15** Proposals for temporary accommodation in association with new rural businesses / enterprises will also be assessed for their viability and sustainability. However, it will be borne in mind that the income sought to sustain certain self-sufficient and environmentally low impact life-styles will be considerably less than is sought through mainstream agriculture to maintain more conventional lifestyles.

## **Policy DM2726**

### **Agricultural and Essential Workers Dwellings**

**New dwellings in the countryside, related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:**

- a) evidence has been submitted to the satisfaction of the local planning authority that there is an existing agricultural, forestry or other commercial equine business-related functional need for a full time worker in that location; and,**
- b) there are no suitable alternative dwellings available, or which could be made available, in the locality to serve the identified functional need; and,**
- c) it can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects; and,**
- d) the size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned; and,**
- e) the development is not intrusive in the countryside, is designed to have a satisfactory impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.**

**In addition to the above requirements, if a new dwelling is essential to support a new agricultural or forestry or other commercial equine business-related enterprise it will normally, for the first three years, be provided temporarily by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. Successive extensions to any temporary permission will not normally be granted beyond three years, and any subsequent proposals to provide permanent accommodation at any site will be considered using the criteria above.**

**Planning permission will be subject to an appropriate occupancy condition, which will only be waived or varied where it can be demonstrated that there is no long term need for such a dwelling associated with the enterprise and which demonstrates that it has been offered for sale and to let to other relevant interests, for a period of at least 12 months, at a price to reflect the occupancy condition.**

### **Housing in the Countryside**

**5.155.16** The NPPF states in paragraph 55 that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. Accordingly, to support this aim, and in addition to Policy DM27, it is acknowledged that there may be opportunities

for limited further residential development within small yet cohesive settlements which may have not been classified as Villages and which do not have a housing Settlement Boundary, but which support the existing services and facilities in other Service Centres. Limited infill development may be permitted in these locations provided that it is in character with the surrounding area and does not have an adverse impact on the natural and historic environment. Proposals must comply with other policies in this document and in the authorities' Core Strategy Local Plans, and attention is drawn to Policy CS2 in the Forest Heath Core Strategy and Policy CS2 in the St Edmundsbury Core Strategy (protection of the stone curlew habitat and associated buffer zone).

## **Policy DM2827**

### **Housing in the Countryside**

**Proposals for new dwellings may will be permitted in the countryside subject to satisfying the following criteria;**

- a) the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway.**
- b) the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.**

**Permission will not be granted where a proposal harms or undermines a visually important gap that is an essential feature contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.**

***Note: A small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.***

### **Residential use of Redundant Buildings in the Countryside**

**5.465.17** Traditional rural buildings are a fragile and diminishing resource. The landscape and the use of the land usually provide the context for the building. They are often attractive buildings constructed from local materials respecting and being secondary to their surroundings. Unfettered alterations and extensions to these buildings could have an adverse and detrimental impact on the rural landscapes within the area and the wildlife that inhabits them.

**5.475.18** Policies elsewhere in this DPD set out the Authorities' support for appropriate and well-detailed proposals for the re-use of rural buildings in the



countryside for employment proposals, tourism accommodation, recreation uses, community uses and affordable housing. In accordance with the NPPF, where there are special circumstances, and where evidence is submitted demonstrating that none of these uses can reasonably be accommodated, and where the proposal meets the criteria of other policies in this DPD, then the re-use of a redundant rural building for market housing may be appropriate.

5.185.19 However, paragraph 28 of the NPPF also makes it very clear, in seeking to build a strong and competitive economy, that planning policies should 'support economic growth in rural areas in order to create jobs and prosperity' and should 'support the sustainable growth and expansion of all types of business and enterprise in rural areas'. This is considered to be a very significant factor, and one which suggests firmly that the priority should be given to economic re-use, in recognising the importance of economic growth in rural areas, and in recognising that 'special circumstances' must be demonstrated before consideration is given to any residential re-use.

5.195.20 Accordingly, proposals for conversion to market housing must include appropriate evidence of the efforts which the applicant has made to secure the preferred alternative re-uses over at least a 12-month period. Marketing of the building must be realistic, and a period longer than 12 months may be appropriate in certain circumstances, for example where a trust or charity requires time to raise money and/or complete legal processes to acquire a historic building for preservation or community use.

5.205.21 Where the conversion to market housing is a subordinate part of a scheme for any of the preferred uses including employment, tourist accommodation, recreational uses, community facilities, affordable housing and key worker housing, a condition will be imposed requiring the works necessary for the establishment of the enterprise to be undertaken before the dwelling is occupied. In appropriate cases, the Councils will seek to tie occupation of the dwelling to the operation of the main use, by means of a condition or a planning obligation, in order to prevent it being let or sold separately.

## **Policy DM2928**

### **Residential use of Redundant Buildings in the Countryside**

**Proposals for the conversion of redundant or disused barns or other buildings in the countryside into dwellings will be permitted where there are special circumstances. Satisfactory evidence will also need to be submitted to demonstrate that, where relevant and in addition to other policies in the Plan:**

- a) alternative uses for employment/economic development, tourist accommodation, recreation and community facilities, in accordance with Policy DM33, have been fully explored to the satisfaction of the local planning authority and can be discounted;

- b) the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction;
- c) the proposal is a high quality design and the method of conversion retains the character and historic interest of the building. In the case of barns the single open volume should be retained with minimal change to the external appearance;
- d) the proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings, or the surrounding area.

Not all buildings in the countryside will be suitable for conversion or adaptation to new uses, perhaps due to their unsuitable or unsustainable location or due to the condition or appearance of the structure. Some existing rural buildings are often badly designed and sited or poorly constructed, having been erected before planning controls existed or by using agricultural permitted development rights, or they may be relatively modern agricultural buildings that are of an inappropriate scale and materials to be re-used as dwellings. If converted to an alternative use, and without any significant and appropriate enhancement of the structure, such buildings would be permanently retained as intrusive features in the landscape, in obvious conflict with the aim of conserving and enhancing the rural environment.

## **Rural Housing Exception Sites in St Edmundsbury**

5.22 This policy and supporting text are applicable to St Edmundsbury borough only. Policy guidance for affordable housing exception sites in Forest Heath district is included in Policy CS9 of the adopted Forest Heath Core Strategy. In the rural areas, the provision of affordable housing can be more challenging as the development strategy restricts housing development in the smaller villages and countryside. Granting planning permission on an exceptional basis for affordable housing on land next to the Housing Settlement Boundary of villages is one way in which to provide affordable housing which will continue to meet local needs. Affordable housing should, where possible, be located in sustainable locations close to the services and facilities that will meet the day-to-day needs of its future occupiers. Where a rural exception site is proposed for development the Authority, in consultation with local residents, will determine whether it will meet an identified local need (the need of the parish and neighbouring rural parishes) and whether the site is most suitable to meet that local need.

5.23 To maximise the delivery of affordable housing on exception sites it may be appropriate, in exceptional circumstances, to permit an element of open market housing to facilitate the delivery of the affordable housing. This is in accordance with paragraph 54 of the NPPF which states that local authorities should

consider whether this approach would help provide additional affordable housing.

5.24 The exceptional circumstances, where a small number of market homes will be permitted could include, where there is insufficient grant available, and it is demonstrated through financial appraisal that the open market housing is essential to enable delivery of the site for primarily affordable housing.

5.25 In these cases the applicant would need to demonstrate to the satisfaction of the Council that the inclusion of open market housing is the minimum necessary to enable the delivery of the site for primarily affordable housing and is not being developed to generate uplift in land values for the landowner. This could be demonstrated through the provision of affordability/profitability modelling data.

5.26 Where an element of open market housing is proposed as part of an affordable housing exception site, it should be sympathetic to the form and character of the settlement and in accordance with local needs. Local needs can vary and it could be that smaller market homes are required to meet the needs of first time buyers or people wishing to downsize to a smaller home. This would need to be established through the Council's profiling data.

## **Policy DM29**

### **Rural Housing Exception Sites in St Edmundsbury**

**As an exception to the provision made in the Core Strategy for general housing demand, the local planning authority will permit rural affordable housing schemes in St Edmundsbury Borough adjoining but outside a Housing Settlement Boundary or built up area provided that:**

- a) the development will meet or assist in meeting a proven and specific need for affordable housing in the locality which could not otherwise be met;**
- b) the development is on the edge of a Key Service Centre, Local Service Centre, or Infill Village and is well related to existing community services and facilities and sympathetic to the form and character of the settlement;**
- c) the site is the most suitable to meet the identified need and, in particular, the need could not be met on any site which would better meet criterion b);**
- d) the development will not negatively impact on biodiversity, geodiversity or the surrounding landscape character. Any unavoidable harm to the natural environment will be adequately mitigated; and**
- e) secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an**

**identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.**

**In exceptional circumstances, a small number of market homes will be permitted where demonstrated to be essential to facilitate the delivery of affordable units.**

## 6 Sustainable Economic and Tourism Development

### Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

6.1 The Vision and Spatial Objectives for the development of the economy are set out within the respective Core Strategies DPDs, as well as the aspirations of central Government being set out in paragraph 18 of the NPPF, which advises that 'the Government is committed to securing economic growth in order to create jobs and prosperity.'

6.2 The Government recognises that there is an urgent need to restructure the economy, to build on the country's inherent strengths, and to meet the challenges of global competition and of a low carbon future. In order to achieve this the NPPF advises that policies should be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. This should include policies which seek to avoid the long term protection of employment land or floorspace, and instead applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses. Nonetheless, the loss of employment land, whether in existing employment use or proposed in the Site Allocations DPDs, could affect the respective Local Plans' Authority's ability to achieve its employment objectives, and to meet the job creation targets contained within the Core Strategy DPDs. Carefully managed control is therefore necessary within the context of this policy.

### Policy DM30

#### Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Any non-employment use proposed on sites and premises used and / or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):

- a) there is a sufficient supply of alternative and suitable employment land available to meet District and local employment job growth requirements;  
or

- b) evidence can be provided that genuine attempts have been made to sell / let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future; or
- c) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site; or
- d) an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs; or
- e) it is for an employment related support facility such as employment training / education, workplace crèche or industrial estate café; or
- f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

~~Where appropriate any approval will be subject to a legal agreement requiring a contribution to improve employment prospects in the District to mitigate the loss of employment sites.~~

## Farm Diversification

- 6.3 Agriculture and related industries have long played an important part in the local economy in the area. However, farm businesses are under increasing pressure to respond to economic changes and trends within the farming industry. Farm diversification can help to sustain existing farm businesses to ensure long-term viability and provide rural employment opportunities. Diversification covers many different types of development including farm shops, leisure and recreation, tourism related development, sporting activities, equestrian uses and farm based food processing or packaging with associated storage. Such activities should respect the character of their rural location and protect or enhance the area's countryside. Existing buildings should be re-used, where possible, to provide any accommodation needed in association with alternative uses.
- 6.4 Farm diversification is not a new phenomenon and farm businesses increasingly need to find ways to offset the long-term trend of falling prices for agricultural goods and reduced farm incomes. Farming has long played a key role in tourism and many other aspects of the rural economy and is promoted within the NPPF as a means to help maintain a prosperous rural economy.
- 6.5 The scale and character of the diversified activities will need to be sensitive to the character of their setting and must protect or enhance it. Existing buildings should be re-used where possible and any opportunity should be taken to seek

environmental improvements and to improve the appearance of the holding as a whole through appropriate diversification schemes.

- 6.6 The Authorities are keen to ensure that agricultural businesses can be sustainable, efficient and competitive. Therefore the Authorities will encourage well-conceived proposals relating to the diversification of farm businesses where it is required for the efficient operation of an existing farm enterprise, promotes economic activity, maintains or enhances the environment, and is in accordance with all other policies in the Core Strategies and this ~~DPD~~ Plan.

## **Policy DM31**

### **Farm Diversification**

**Proposals for farm diversification will be permitted providing they meet the following criteria:**

- a) the proposal is a subsidiary component of the farm enterprise and contributes to the continuing viability of the farm as a whole, retaining existing or providing new employment opportunities and services for the local community;**
- b) the scale and nature of the proposal must be appropriate within its rural location and where it is likely to create significant vehicular movements to and from the site it should be well located in relation to sustainable settlements;**
- c) the proposal should re-use or adapt any existing farm buildings which are suitable and where appropriate include the removal of any redundant buildings which are derelict or offer no opportunity for beneficial use;**
- d) if a new building can be justified it should be sited in or adjacent to an existing group of buildings, be compatible in scale, design, siting and materials, must relate satisfactorily to the surrounding landscape and character, and must avoid where possible the loss of the best and most versatile agricultural land;**
- e) there would be no significant detriment to the amenity of nearby residents, the surrounding landscape, biodiversity or geodiversity, and no unacceptable effect on water quality or flooding on any watercourse in the vicinity of the site;**
- f) the proposal should have regard to the local road network and the associated traffic movement should not compromise highway safety or the free flow of traffic; and**
- g) where a retail use is proposed it must be directly related to the farm unit.**

**Proposals for retail development in the countryside, not related to a farm enterprise, will not be permitted and should be directed to more sustainable settlements identified within the Core Strategies and other adopted Local Plans.**

## **Business and Domestic Equine Related Activities in the Countryside**

- 6.7 The keeping and riding of horses for recreation purposes is an increasingly popular form of leisure pastime which can generate income for the local rural economy. Similarly, commercial horse-related developments including riding schools, livery stables, stud farms, ~~thoroughbred training yards~~, manèges and other equestrian enterprises can also make a significant contribution to the rural economy ~~and are particularly important around Newmarket~~. The Authorities recognise the need to make provision for such development in the countryside, whilst at the same time having a commitment to protecting the environment and the amenities of neighbouring properties. The Authorities are also concerned to avoid the proliferation of unnecessary building in the open countryside.
- 6.8 Domestic or commercial equine-related development generally requires a location in the rural areas as it may depend on the use of the surrounding land. The conversion of agricultural buildings for such uses will in general be considered favourably. All equestrian development, whether domestic or commercial, should be of an appropriate scale and design and careful attention should be given to siting and landscaping details to ensure that proposals do not detract from the locality's character and appearance. In assessing a proposal, the respective Authority will consider the environmental impact, access, parking and traffic implications and the likely future development requirements of the activity.
- 6.9 Policy DM32 does not apply to proposals for equestrian development at thoroughbred training yards or to equine business development associated with the Horse Racing Industry (particularly important around Newmarket) as such development is covered by other policies in this local plan.
- ~~6.9~~6.10 Proposals for new equine-related businesses on land holdings that do not include appropriate accommodation on site for stock management and welfare will be required to provide evidence of site selection, and demonstrate why the site is considered suitable and how animal welfare and supervision will be carried out.
- ~~6.10~~6.11 Applications for dwellings for certain key personnel associated with commercial equine establishments may be considered in the same manner as applications for dwellings for key agricultural personnel in accordance with other policies contained within this DPD Plan.



## **Policy DM32**

### **Business and Domestic Equine Related Activities in the Countryside**

Proposals for equestrian development in the countryside, whether domestic or commercial, will be permitted providing they meet the following criteria:

- a) the size, scale, design and siting of new development (including lighting and means of enclosure) does not have a significant adverse effect on the character and appearance of the locality;
- b) proposals do not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a) or it can be demonstrated to the satisfaction of the local planning authority that there are no suitable alternative sites on lower grade land;
- c) proposals should re-use existing buildings where appropriate and any new buildings should be located in or adjacent to an existing group of buildings and have minimal visual impact within the landscape;
- d) landscape mitigation measures are included appropriate to the scale and context of the proposal;
- e) there is no significant detriment to residential amenity in terms of noise, odour, light pollution or other related forms of disturbance;
- e)f) there is appropriate parking and access and the associated traffic movement should not compromise highway safety;
- f)g) sufficient land is available for grazing and exercise where necessary;
- g)h) proposals include a satisfactory scheme for the disposal of waste;
- h)i) where a new equine-related use is proposed and there is no dwelling available on the holding, proposals must demonstrate the site selection procedure and arrangements for animal supervision and welfare; and
- i)j) there would be no significant detriment to biodiversity, geo-diversity or the surrounding landscape character.

Encouragement will be given to off road riding facilities such as headlands or bridleways within farm units.

## Re-use or Replacement of Buildings in the Countryside

6.146.12 The NPPF establishes in paragraph 28 that 'planning policies should support sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'. Examples of proposals for the re-use and adaptation of buildings in the countryside that may be acceptable in principle are as follows: i) Uses related to agriculture, ii) Employment, including offices, iii) Community use, iv) Recreation, v) Tourist accommodation, vii) Essential rural worker's accommodation. The residential re-use of existing buildings will be considered with reference to Policy DM28 of this DDP Plan.

6.126.13 The sensitive conversion of permanent and structurally sound buildings to appropriate uses will generally be acceptable providing there is no adverse impact on the landscape. The conversion of Listed Buildings must also comply with relevant policies that specifically relate to them.

6.136.14 Not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be badly constructed with poor design or sited in an inappropriate location. Modern agricultural buildings that are of an inappropriate scale, design and materials may not be suitable for conversion or replacement.

6.146.15 Some buildings contain protected species such as bats and barn owls. Surveys of a proportionate nature should be undertaken prior to applications being made to ascertain the presence of such species and whether appropriate mitigation can be carried out.

6.156.16 The re-use of isolated buildings, or those remote from rural settlements or with a poor standard of access, will be resisted unless they can be justified in terms of the sustainable development objectives of the Core Strategies and the NPPF. The Councils will be particularly supportive of the re-use of existing buildings that are adjacent or closely related to the market towns, key service centres and sustainable villages identified within the respective Core Strategy documents.

6.166.17 The replacement of suitably located, existing buildings in the rural areas for employment purposes, (defined for the purposes of policies in this document as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small scale or ancillary storage, where it can be demonstrated that such uses would not create significant levels of traffic, particularly lorries, on rural roads), will be supported where this would result in a more acceptable and sustainable development than might be achieved through conversion. For example, the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Where no such improvement is made, then proposals for the replacement of the building in question will be resisted. Proposals will be judged on their own merits to determine whether or not the building for replacement is suitably located, taking into account the nature of the proposed economic re-use, the level of activity associated with the

proposed use and its potential impact on the character and appearance of the countryside.

## **Policy DM33**

### **Re-Use or Replacement of Buildings in the Countryside**

The re-use, conversion and alteration or extension of buildings in the countryside for the following uses will be ~~considered favourably~~ permitted where proposals comply with other policies in the ~~Core Strategy and in this DPD~~ and other adopted Local Plans:

- i) employment (defined for the purposes of this policy as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small scale or ancillary storage), where it can be demonstrated that such uses would not create significant levels of traffic, particularly lorries, on rural roads;
- ii) tourist accommodation;
- iii) recreational uses including riding stables, livery, and sports pavilions;
- iv) community facilities;
- v) residential use, where justified, in accordance with Policy DM2928.

In addition to other policies in the Plan, proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria:

- a) the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction;
- b) any proposed alterations to the building, its proposed use, its associated operational area, the provision of any services, and / or any amenity space or outbuildings, would not harm its appearance or adversely affect the setting of the building in the rural locality;
- c) the nature and intensity of the proposed use would be compatible with its rural location. Proposals for employment uses will be required to provide a sustainability assessment (which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);
- d) proposals which would be likely to create a significant number of jobs should be well located in relation to towns and villages or be reasonably accessible by public transport;
- e) in the case of tourist accommodation there is no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area;

- f) it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area; and
- g) any extension must be subservient in scale, footprint and design to the host building.

Furthermore, in exceptional circumstances and notwithstanding criterion a) above, it may be appropriate to permit the replacement of a building where;

- h) the replacement building will result in a more acceptable and sustainable development than might be achieved through conversion;
- i) the replacement building would restore the visual, architectural or historical coherence of a group of buildings where this would otherwise be lost.

Buildings which are remote, or have become so derelict, have been abandoned or are otherwise incapable of adaptation or reuse will not be considered favourably for replacement

## Tourism Development

6.1716.18 Tourism is becoming an increasingly important element of the economy nationally and within the region. The Government's tourism strategy, as articulated within paragraph 28 of the NPPF, supports the development of 'sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside'. In supporting tourism and leisure developments in the countryside a balance needs to be attained to ensure that such development minimises impact on the character of the built and natural environment and the quality of life of its residents.

## Policy DM34

### Tourism Development

Planning applications for new tourism facilities, including overnight visitor accommodation, (hotels, bed & breakfast, self catering, holiday lodges, static and touring caravans and tenting fields), or improvements and extension to existing facilities, will normally be permitted in appropriate locations provided that:

- a) the proposals are connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate

public transport, cycling and walking links for the benefit of non-car users.

- b) it would not adversely effect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority.
- c) vehicle access and on-site vehicle parking would be provided to an appropriate standard.

The larger urban areas, (Market Towns & Key Service Centres), will be the focus for larger scale tourism activities and overnight accommodation in accordance with the requirement to concentrate development at the most sustainable locations.

In rural areas any tourism activity/proposal must, in addition to criteria a), b), & c) above, seek to support the existing local community services and facilities, and:

- d) have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside,
- e) be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.

The occupation of any new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.

## 7 Retail, Community Facilities and Leisure

### **Proposals for main town centre uses within the Town Centre Boundaries**

- 7.1 Shopping and leisure play a vital role in achieving sustainability, forming a hierarchy which helps reduce the need for residents to travel to meet everyday needs.
- 7.2 The town centres ~~act as sub-regional centres~~ provide ing a focus for shopping, leisure, business and cultural activities for the towns themselves and the surrounding smaller settlements, as well as the needs of residents outside the authority area. One of the key plan making tasks set out within paragraph 23 of the NPPF is for Local Planning Authorities to 'define the extent of town centres and primary shopping areas...and set policies that make clear which uses will be permitted in such locations'. There is a clear mandate therefore from national policy for the Authorities to prepare policies which manage and guide the mix of uses within the town centres.
- 7.3 The town centres also serve as more than just a destination for shopping trips. They contain a rich and diverse number of uses which together give the centres their own local distinctiveness. Such diverse uses are defined in the NPPF as "main town centre uses" and include retail, restaurants, bars and pubs, cinemas, theatres, concert halls, museums and other heritage, cultural and tourist destinations, offices, and hotels. The authorities wish to maintain and improve the vitality of the town and local centres and will encourage a mix of uses which satisfy this aim.
- 7.4 In taking steps to achieve this it is recognised that the management of centres must be balanced by seeking economic growth through pro-actively planning to meet the development needs of business. To this end paragraph 21 of the NPPF states that 'policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances'.
- 7.5 It is important therefore that any policies that seek to direct development within the town centres offer sufficient flexibility. It is for this reason that Policy DM35 promotes, and seeks to carefully manage, Primary Shopping Areas which, by definition, are where 'retail development is concentrated', with a more market-driven approach taken to the acceptability of other appropriate uses within the town centres but outside of the Primary Shopping Areas.
- 7.6 Although it is recognised that some non-A1 uses can promote high levels of footfall, several consecutive non-A1 uses can also lead to the creation of lengths of space which can discourage pedestrian footfall towards retail uses. It is for this reason that a restriction on the extent of non-A1 frontage is proposed within the Primary Shopping Areas.

- 7.7 The use of upper floors can provide accommodation for people who want to live in a town centre but not necessarily at ground floor level. Furthermore, the occupation of upper floors can significantly improve the vitality of a town centre through increasing diversity. The beginning of this century has seen a 'lifestyle' preference for some people to live a more urban lifestyle in converted town centre buildings and new purpose-built flats. Offices are an alternative use for upper floors of town centre premises. Converting upper floors above shops to self-contained units for business or residential uses can be problematic, especially in listed buildings, but there are a number of successful examples where vacant space above shops has been brought back into residential use through partnership working with housing associations.
- 7.8 It is recognised that town centres may not be able to ~~cannot~~ accommodate all shopping needs, especially those which serve local neighbourhoods or which require large floorspace. Retail warehouses can add significantly to the amount of shopping floorspace in a town-centre. The presence of large supermarkets has also changed the shopping habits of many people. The need to maintain the vitality and viability of the town centres will be the primary consideration for the authority.
- 7.9 ~~Proposals for main town centre uses for sites elsewhere will need to demonstrate that there will be a minimal impact, both economically and environmentally, on existing town centres. For all main town centre uses t~~There will also need to be a clear indication that a sequential approach has been taken to identifying the site, starting from the primary shopping area for retail uses and the town centre for all other main town centre uses (excluding retail). ~~of the town centre.~~ In order to ensure that the nature of any approved developments does not subsequently alter unacceptably the type of goods sold in ~~these~~ stores outside defined centres, such as retail warehouses, they will be controlled by planning conditions.
- 7.10 Where appropriate, proposals for retail, leisure and office development in edge or out of centre locations not in accordance with an up to date local plan will need to demonstrate that they will not have a significant adverse impact, on existing town centres. Retail impact assessments will be required where proposals exceed 1,000sqm gross outside of Bury St Edmunds, Haverhill and Newmarket town centres and exceed 300sqm gross outside all other defined centres. For leisure and office developments outside of town centres which are not in accordance with an up to date Local Plan the NPPF default threshold of 2,500sqm gross will apply.
- 7.11 The defined centres in West Suffolk comprise both town centres and local centres. There are five towns Brandon, Bury St Edmunds, Haverhill, Mildenhall and Newmarket (see Appendix D: Town Centre Maps). Local centres are defined through the local plans.
- 7.12 Policy DM35 seeks to ensure an appropriate mix of uses are maintained within the Primary Shopping Area (PSA) albeit with a predominance of shopping uses and a more diverse range of main town centre uses within the wider town centre boundaries. This approach seeks to enhance the vitality and viability of

town centres and enables local distinctiveness. The PSA is defined in the NPPF as a 'defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontages)'. The designation of <sup>3</sup>Primary and Secondary frontages are not required in order to apply policy DM35, as the policy seeks to control mix in the PSA and Town Centre, and the sequential test can be undertaken using these boundaries. The designation of Primary Shopping Areas and Town Centre boundaries are defined through this local plan.

7.107.13 The town centres will be assessed as part of the monitoring process for the preparation of plans, which may result in the Town Shopping Centre and Primary Shopping Area designations being changed. Work undertaken as part of each Council's latest retail study work will also examine what level and extent of A1 uses should be maintained within each Primary Shopping Area in order to maintain the balance of retail vitality and viability.

## **Policy DM35**

### **Proposals for main town centre uses within the Town Centre Boundaries**

**Within the town centres, as defined on the policies maps, support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following:**

- i) shopping (Use Class A1);**
- ii) financial and professional services (A2);**
- iii) food and drink (A3, A4, A5);**
- iv) leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses;**
- v) business (B1) offices commercial uses;**
- ~~vi) health facilities and other community uses;~~**
- ~~vii-vi) visitor accommodation; and~~**

**in addition to the main town centre uses above:**

- vii) health facilities and other community uses;**
- viii) residential, A2 or B1 uses on upper floors.**

<sup>3</sup> Primary Shopping Frontages are identified for Bury St Edmunds and Haverhill through the site allocation process and included on the Town Centre maps for completeness.



**Proposals for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations.**

**Proposals for retail floorspace in excess of 1,000sqm gross outside of Bury St Edmunds, Haverhill and Newmarket town centres and in excess of 300sqm gross outside all other defined centres will require an impact assessment to demonstrate that it will not have a significant adverse impact in accordance with the NPPF.**

**A balance between retail shops (A1) and non-A1 retail commercial uses (A2, A3, A4 and A5 uses) will be maintained to secure the vitality and viability of the Primary Shopping Areas, albeit with a predominance of shopping uses maintained. The change of use of ground floor A1 units within a Primary Shopping Area, to other appropriate main town centre uses, will therefore only be permitted if the balance of retail vitality and viability is not likely to be harmed and all of the following criteria are met:**

- a) the proposal will not result in three or more non-A1 units in adjoining premises within the Primary Shopping Area;**
- b) the proposal will retain or provide a shop front with a display function and entrances which relate well to the design of the host building and the street scene and its setting in terms of its materials, form and proportions;**
- c) the proposal will not remove existing or potential beneficial use of upper floors; and**
- d) the proposal will not adversely affect the amenity of the surrounding area by virtue of noise, litter, congestion on pavements, or disturbance arising from late night opening.**

## **Protection of Local Centres**

7.117.14 Market towns Local Centres fulfil much more than just a retailing function for communities. their hinterlands, including their wider traditional role as rural "capitals". The principles of the sustainable hierarchy of settlements recognise the important role that the Market Towns, and Key Service Centres, including Clare, Ixworth, Lakenheath, Red Lodge and Stanton have in providing a wide range of facilities for their areas, performing the role as a local centre. Other smaller settlements in the hierarchy provide a more limited or dispersed provision of key services and facilities, these are protected and supported through policy DM41.

7.15 Within the towns there are neighbourhoods which are often served by local centres which may have a community centre, shop, takeaway facility and post

offices. They provide meeting points, enable communities to flourish and provide local services to meet day to day needs negating the need to travel elsewhere. A number of existing local centres have been identified around the towns and it is felt that they should be safeguarded to ensure the long term provision of facilities in local neighbourhoods. The local centres are/will be defined through the local plans. The development of new housing will be expected, where appropriate, to provide safe and attractive links to the nearby centres and/or provide new centres within the development. The need for new centres will be identified through site allocation plans.

7.127.16 In addition to Primary Shopping Areas the authorities will protect local centres in order to provide an adequate mix of facilities to meet day-to-day needs. Proposals for the loss of shops ~~anywhere~~ (Use Class A1) in local centres will generally be resisted unless it can be shown that suitable alternative provision is available which will meet the day to day needs of people in the local area, or that the premises have been realistically, and unsuccessfully, marketed for a period of at least 12 months. The authorities will continue to support and encourage the maintenance, improvement and attractiveness of local centres by encouraging new services and shopping development, appropriate in scale and character to reflect the role and function of the centre and the catchment it is serving. Proposals for the provision and enhancement or loss of community facilities and services, leisure and recreation, health and education uses will be subject to compliance with other polices within this local plan.

## **Policy DM36**

### **Protection of Local Centres**

**The local planning authority will seek to maintain a mix of uses in local centres which could include:**

**i. leisure and recreation;**

**ii. health and community facilities;**

**iii. small scale retail development, where it can be demonstrated to meet local need (generally not exceeding 150 sq. metres in net floor area unless a larger area is required to meet a demonstrated local shortfall); and**

**iv. education.**

**In local centres the loss or change of use of shops or services (or premises last used for such purposes) will not be permitted unless it can be demonstrated that the use is no longer viable or that the change of use will not have a detrimental impact on the vitality and viability of the centre.**

**Proposals for new or extended shops or services within local centres will be supported permitted provided that there is no adverse effect on residential amenity or environmental quality, and subject to compliance with other Policies within this DPD and other adopted local plans.**

**New local centres should be well served by public transport and cycle path access and within reasonable walking distance of all parts of the development.**

**Note: Proposals for the provision, enhancement or loss of community facilities and services, leisure and recreation, health and education uses will be subject to compliance with other polices within this local plan.**

## **Public Realm Improvements**

**7.137.17** The environment of a town centre and a key service centre can affect the choice of destination for both economic investment and shopping or leisure trips. When considering proposals for new development, redevelopment or new shop fronts, the authorities have an important role to play in ensuring that good overall design is achieved.

**7.147.18** Streets, both in town centres and outwards towards surrounding areas, are important public spaces that should be designed to suit people of all ages and degrees of mobility. Safe and people-friendly streets will encourage more walking, cycling, recreation and local shopping. The Councils wish to continue to improve the street environment or “public realm”, and plans for the towns will identify the type of improvements required, and outline schemes and priorities, along with the areas most in need. To achieve this, all major proposals for development (or redevelopment) in the towns and key service centres where justified will be required to contribute toward these improvements. Some of the ways in which improvements to the public realm can be achieved is through the provision of, or contributions towards, the following:

- Quality pavements and well-coordinated street furniture;
- Improvements to footpaths and cycle routes;
- Street trees and other soft landscaping;
- Clear and minimal signage;
- Traffic management schemes;
- Shared spaces and home zones;
- Cycle paths; Crime deterrence and safety measures, including lighting and CCTV; and
- Public art

## Policy DM37

### Public Realm Improvements

**Proposals for new major development or redevelopment in the towns and Key Service Centres will, where justified reasonable and necessary to the acceptability of the development, be required to provide or contribute towards public realm improvements appropriate to the scale and nature of the proposal.**

**Proposals in the Primary Shopping Areas should also provide active street frontages to create attractive and safe street environments.**

*Note: Necessary improvements to the public realm will be identified and schemes and priorities outlined for the towns and key service centres. Where appropriate the local planning authority will secure public realm improvements through the use of conditions and/or planning obligations.*

### Shop Fronts and Advertisements

~~7.157.19~~ Shopfronts, advertisements, sunblinds, canopies, hoardings and poster panels can all have a significant impact on the environment of a centre, especially where they are located in or visible from a Conservation Area. It is important to ensure that these make a positive contribution to the building on which they are located and to the surrounding area. The quality and details of shop design are of significance in improving the attractiveness and maintaining the prosperity of shopping centres within the authorities' areas. Particular care will be necessary in the main shopping areas which contain listed buildings and are located either partly or wholly within Conservation Areas. Where an advertisement falls in a Conservation Area it will need to have regard to policy DM17 and other relevant policies within this local plan. In all shopping centres the authorities will require well designed shop fronts which will enhance the area and add to its local distinctiveness. ~~All too often the attractiveness of a shopping street can be undermined by unsympathetic designs and a clutter of garish signs. Applicants will be expected to have close regard to the content of 'Shopfronts and Advertisements in Historic Towns' published by the English Historic Towns Forum in 1991, and any subsequent advice, guidance and best practise publications available.~~

7.20 All too often the attractiveness of a shopping street can be undermined by unsympathetic designs and a clutter of garish signs. Applicants will be expected to have close regard to the content of 'Shopfronts and Advertisements in Historic Towns' published by the English Historic Towns Forum in 1991, and any subsequent advice, guidance and best practise publications available. Advertisements unrelated to the site on which they are displayed can be intrusive in a street scene and may be inappropriate, such as hoarding located in residential areas. Advertisement proposals unrelated to a site on which they

are displayed will be strictly controlled to ensure no adverse impact on amenity and/ or public safety.

## **Policy DM38**

### **Shop Fronts and Advertisements**

**Proposals to alter an existing shop front or create a new shop front, including the installation of external security measures, advertisements or canopies, or advertisements proposed in any other location, must preserve or enhance the character and appearance of the building or location of which it forms a part, and the street scene in which the proposal is located, and must not adversely affect amenity and / or public safety.**

~~**Advertisements unrelated to the site on which they are displayed will not normally be permitted.**~~

### **Street Trading and Street Cafes**

7.167.21 \_\_\_\_\_ Increasing the area available for pedestrians in shopping centres has led to an increased demand for on-street trading and street cafés. These uses can add considerably to the vitality and viability of a centre, but at the same time can increase clutter and obstruct the flow of pedestrians and other users of the centres. Most uses will require a street trading licence from the authority and permission from the Highway Authority, and local byelaws exist which restrict trading in certain streets. The regulatory procedure will be the primary means of restricting the hours and days of street trading and specifying the operator of that use.

## **Policy DM39**

### **Street Trading and Street Cafes**

**Proposals for street trading and street cafés in defined Primary Shopping Areas will be permitted unless there would be a significantly adverse impact on amenity and / or the movement and safety of pedestrians, prams, wheelchairs, emergency and other vehicles would be obstructed.**

### **Ancillary Retail Uses**

7.177.22 \_\_\_\_\_ There is a growing demand for retail uses to be attached to existing non-retail businesses, for example petrol filling stations, farms, industrial premises, horticultural centres and craft workshops. Such ancillary retail uses may include the sale of grocery/convenience goods which in rural communities

poorly served by existing shops can be helpful in promoting sustainability. The authorities recognise the need for businesses to diversify in this way, providing that the sale of such goods remains related and/or subsidiary to the main activity. Planning permission is not always required for ancillary retail sales but may be necessary, particularly if a new building or extension is proposed.

## **Policy DM40**

### **Ancillary Retail Uses**

**Proposals for extensions and/or change of use to provide ancillary retail sales facilities attached to petrol filling stations or garages; farms; market gardening and horticultural centres; manufacturers (Classes B1 and B2); craft workshops; and similar establishments will, in addition to the policies and proposals elsewhere in this DPD Plan, be considered against the following criteria:**

- a) the sale of goods should be small in scale in relation to the primary use or activity; and**
- b) in the case of manufacturers (Classes B1 and B2) and craft workshops, the sale of goods should relate to products manufactured on site.**

### **Community Facilities and Services**

7.187.23 ~~Community facilities and services in villages, small settlements and suburban areas (outside town centre boundaries) contribute to the quality of community life and play an important role~~ provide a vital role in contributing to the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community, and in reducing the need to travel. Such facilities and services may include shops, post offices, pubs, primary schools, healthcare facilities, community centres, allotments, village halls, indoor sport facilities, petrol filling stations and public transport. In communities where access to alternative facilities and services is limited the retention of these particular facilities and services is therefore essential to the livelihood of communities and to help reduce rural isolation and social exclusion where possible.

7.197.24 ~~Where a local need has been identified local services and/or community facilities need to be supplemented or provided to support new residential schemes and to mitigate the impact of the development on the existing quality or quantity of provision~~ the authorities will require developers of residential schemes to enhance existing community buildings, or provide new such facilities, or provide land and a financial contribution towards the cost of these developments proportional to the impact of the proposed development in that area. In specific developments the authorities will identify sites for new community facilities. The requirement to provide community buildings, land

and/or a financial contribution will be detailed in Section 106 agreements. In some instances it will take time to provide community buildings and the authorities will ensure that sites allocated for community uses are not developed for other purposes.

7.25 Circumstances will vary from community to community, and the policy will be applied reasonably in the overall interests of protecting and ensuring the sustainable provision of community facilities and services.

## **Policy DM41**

### **Community Facilities and Services**

The provision and enhancement of community facilities and services will be ~~supported~~ permitted where they contribute to the quality of community life and the maintenance of sustainable communities.

Proposals that will result in the loss of valued facilities or services which support a local community (or premises last used for such purposes) will only be permitted where:

- a) it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
- b) it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
- c) alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking.

~~Where a local need has been identified~~ Where necessary to the acceptability of the development the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and a financial contribution towards the cost of these developments proportional to the impact of the proposed development in that area, through the use of conditions and /or planning obligations.

### **Open Space, Sport and Recreation Facilities**

~~7.207.26~~ Open spaces near residential areas can add significantly to quality of life. They not only help people to take part in outdoor pursuits, they also contribute to the quality of the environment. More formal parks can also serve a much wider catchment area and form major tourist attractions.

7.217.27 Within new residential development in the main towns and villages, developers will be expected to provide appropriate public open space as formal recreation areas, informal open space and play areas. New public open space will be required as an integral part of strategic development. There are also a number of settlements that do not have enough playing fields. The authorities will encourage new facilities where there are no overriding detrimental effects on agricultural land, residential amenity and conservation interests.

7.227.28 Casual play areas in residential neighbourhoods are an essential part of the amenity of an area. Adequate play space will be needed in new residential areas and care will be necessary in the design and location of play areas in order to cut disturbance to nearby residents.

7.237.29 In office, retail and other commercial and mixed development schemes there may also be the opportunity for creating new public open space or providing particular sports and recreation facilities as set out in other relevant planning documents. When applying the approved standards of open space provision to residential and commercial development, the Authorities will assess the level of existing open space and recreation provision and the need and nature of the demand generated in the context of relevant planning documents.

7.247.30 Provision of Green Infrastructure and open space, sport and recreation facilities forms an important part of planning policy. Both Authorities have undertaken studies to quantify and set out plans to ensure that people have access to good quality green spaces close to where they live. Green infrastructure in its list of infrastructure types, are needed to be incorporated into development. Open spaces, sport and recreation underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. Emphasising the importance of green infrastructure creation, protection and enhancement, ensures an improved and healthy environment that is available for present and future communities. It is therefore important that effective green infrastructure and open space, sport and recreation policies are established to protect, enhance and expand these facilities within the authorities' areas.

## **Policy DM42**

### **Open Space, Sport and Recreation Facilities**

**Proposals for the provision, enhancement and / or expansion of amenity, sport or recreation open space or facilities will be supported permitted subject to compliance with other Policies in ~~the DPD~~ this and other adopted Local Plans.**

**Development which will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:**



- a) it can be demonstrated that the space or facility is surplus to requirement against the local planning authority's standards for the particular location, and the proposed loss will not result in a likely shortfall during the plan period; or
- b) replacement for the space or facilities lost is made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility.

Any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the local planning authority.

~~Developers of new housing will be required to provide open space including play areas, formal sport/recreation areas and amenity areas and where appropriate, indoor sports facilities in accordance with adopted local planning authority standards of provision. Where appropriate and justified, the local planning authority will seek the provision of recreational open space and sports and recreation facilities as part of office, retail and other commercial and mixed development schemes. In addition to on-site and off-site contributions, a contribution may be required for the maintenance of the facility in accordance with adopted local planning authority Guidelines.~~

Where necessary to the acceptability of the development, the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide open space including play areas, formal sport/recreation areas, amenity areas and where appropriate, indoor sports facilities or to provide land and a financial contribution towards the cost and maintenance of existing or new facilities, as appropriate. These facilities will be secured through the use of conditions and/or planning obligations.

Clubhouses, pavilions, car parking and ancillary facilities must be of a high standard of design and internal layout, and be in accordance with other policies in this DPD Plan. The location of such facilities must be well related and sensitive to the topography, character and uses of the surrounding area, particularly when located in or close to residential areas. Proposals which give rise to intrusive floodlighting will not be permitted.

## **Leisure and Cultural Facilities**

7.257.31 This policy gives support to the provision of leisure and cultural facilities within the authorities' boundaries. However it is accepted that large facilities may attract large numbers of people and therefore should be directed to the main settlements across the areas.

7.267.32 Development proposals which are likely to attract large numbers of people will be expected to be accompanied by a supporting statement which

justifies the sustainability of the proposed location. This approach is supported by national and strategic guidance and seeks to ensure that new large facilities can be accessed by a variety of modes of transport and offer increased opportunities for linked trips, increasing their overall sustainability.

## **Policy DM43**

### **Leisure and Cultural Facilities**

**Planning applications for new leisure or cultural facilities or improvements and extensions to existing facilities, will normally be permitted provided that:**

- a) the proposals are connected to and associated with existing facilities or located at a site that relates well to, (where achievable within or on the edge of), a defined Settlement and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users.**
- b) there would be no unacceptable impacts on the character, appearance or amenities of the area and the design is of a standard acceptable to the local planning authority.**
- c) vehicle access and on-site vehicle parking would be provided to an appropriate standard.**

**Where it can be demonstrated that there is a justifiable need for the leisure or cultural activity to be located within the open countryside and away from any defined settlement the preference will be for the re-use of appropriately located and suitably constructed existing buildings. New buildings and/or infrastructure required to service a particular leisure activity will only be permitted where:**

- d) there are no other appropriate and existing buildings in the locality that can feasibly be converted for the required purpose(s),**
- e) it will not have a significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside, and**
- f) ~~the commercial benefits in terms of creating sustainable employment~~ the proposal outweighs the loss of open countryside.**

### **Rights of Way**

**7.277.33** There is a large, but in some cases fragmented, network of public rights of way across the authority areas, providing important opportunities for access to the countryside for walkers, cyclists and horse riders, as well as links

within and between the towns and villages and surrounding countryside providing opportunities for healthy exercise. It is vital that this network is protected, managed and where possible enhanced.

~~7.287.34~~ 7.287.34 Suffolk Rights of Way Improvement Plan was updated in 2011 and forms part of the Local Transport Plan (2011 – 2031). This includes a range of aims and actions to provide a more accessible and better managed network. Studies undertaken by the authorities have also identified a number of missing links in the rights of way network, whose provision would significantly enhance the network.

~~7.297.35~~ 7.297.35 Proposals for development should aim to have a positive effect on the rights of way network. The Green Infrastructure policy specifically requires developers to provide for and maintain good access to sites and areas of green infrastructure interest. This policy seeks to reinforce and ensure that any negative impacts are adequately mitigated by alternative provision. Development should also contribute to proposals to provide for the missing links in the network, based on relevant studies the authorities have produced.

## **Policy DM44**

### **Rights of Way**

**Development which would adversely affect the character of, or result in the loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use. This will apply to rights of way for pedestrian, cyclist, or horse rider use.**

**Improvements to such rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate and to achieve the objectives of the Suffolk Rights of Way Improvement Plan.**

# 8 Transport

## Transport Assessments and Travel Plans

8.1 The Suffolk Local Transport Plan 2011 – 2031 (LTP) sets out in Part 1 the Transport Strategy for the county. It identifies the urban and rural issues that affect the districts and boroughs, and sets out the County Council's approach, including cross-boundary network solutions. The strategy notes that traffic congestion is a common theme in urban areas and that planned housing and employment growth is likely to intensify the pressure on the road networks. The strategy principles for urban areas are: to reduce demand for car travel, make efficient use of transport networks, and to improve infrastructure (including working with others, e.g. Cambridgeshire, Essex, the Highways Agency and developers). In rural areas the LTP strategy is to: i) encourage and facilitate better accessibility to employment, education and services; ii) encourage planning policies to reduce the need to travel; iii) maintain the transport network and improve connectivity, resilience and reliability; iv) reduce the impact of transport on communities; and v) support the county council's ambition of improving broadband access throughout Suffolk. The councils support the LTP strategy and will continue to work with Suffolk and other agencies to reduce demand for car travel, prioritise pedestrians and cyclists and public transport, and improve access and connectivity across all transport modes.

~~8.18.2~~ The need for a Transport Assessment is outlined in the NPPF. This advises that a Transport Assessment or Transport Statement should be prepared and submitted alongside all developments that generate significant amounts of movement, as determined by local criteria.

~~8.28.3~~ The coverage and detail of the Transport Assessment should reflect the scale of development and the extent of the transport implications of the proposal. For small schemes, the Transport Assessment should simply outline the transport aspects of the application. For major proposals, the assessment should illustrate accessibility to the site by all modes and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. Where appropriate, a travel plan should be included as a key component of Transport Assessment.

8.4 Travel plans are the cornerstone of Transport Assessment, identifying opportunities and setting targets for minimising car use. These targets, set using Department for Transport guidelines, should then be set as the benchmarks for Transport Assessment. Given that necessary improvements to the highway network are based on assumptions and targets for more sustainable modes, financial bonds may be required to ensure that Travel Plan actions are delivered and performance is achieved.

~~8.38.5 A travel plan can be a key tool in resolving the transport issues highlighted by the transport assessment. The travel plan should include both the physical and management measures necessary to address the transport impacts arising from the new development, as it will become a key management tool integrating all the different elements. It should be developed as the last part of the transport assessment process but is separate from it.~~

## **Policy DM45**

### **Transport Assessments and Travel Plans**

**For major development, and/or where a proposal is likely to have significant transport implications, the Council requires the applicant to submit the following documents alongside their planning applications:**

- a) a Transport Assessment\* appropriate to the scale of development and the likely extent of transport implications.**
- b) a Travel Plan that identifies the physical and management measures necessary to address the transport implications arising from development.**

**Where a transport assessment and / or travel plan does not demonstrate that the travel impacts arising from the development will be satisfactorily mitigated or that adequate measures are in place to promote the use of more sustainable modes of transport, then planning permission will not be granted. The developer will be expected to provide the necessary funding to deliver any travel plan agreed in writing with the local planning authority.**

**Where it is necessary to negate the transport impacts of development, developers may also will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to the existing transport infrastructure that negates the impact of cumulative development in a given area and / or improves to facilitate access to and use of more substantial sustainable modes of transport modes.**

***\*Indicative thresholds for application of transport assessments / transport statements are contained at - Appendix B, DCLG Department for Transport Guidance March 2007, Guidance on Transport Assessment.***

### **Parking Standards**

~~8.48.6 The availability of parking at a destination can significantly affect the choice of travel mode. The Suffolk Advisory Parking Standards adopted as Planning Guidance by all Suffolk local authorities have been used by the authorities for some time. This is likely to be reviewed and updated in the near future to shift~~

~~the focus to destination parking and be more flexible particularly with residential parking in rural areas or areas of poor access to public transport. Until this time the quantity and quality of parking in planning applications will continue to be assessed using these Parking Standards or any subsequent successor Supplementary Planning Document. There have been recent changes in policy resulting in the need for local authorities to develop new residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently. The residential parking standards within Suffolk Advisory Parking Standards are being reviewed and will be replaced by a minimum requirement for residential dwellings to reflect the National Planning Policy Framework requirement. The updated guidelines will reflect actual car ownership in residential areas within Suffolk. The change in focus on parking policy enables residential parking standards to be more flexible, particularly in rural areas and areas with poor access to public transport, and designers of residential development should consider the location and context of the proposed development, taking paragraph 35 of the NPPF as a starting point.~~

~~8.58.7 This change in focus on parking policy towards destination parking enables residential parking standards to be more flexible, particularly in rural areas and areas with poor access to public transport. The level of demand for parking will differ from type to type (e.g. residential, workplace, shopping or leisure), site to site, and from urban to rural locations location to location (e.g. urban or rural), and even within locations (e.g. town centre locations and urban fringe/suburban locations with less opportunity for shared or public parking, and less well served by public transport). The availability of parking at a destination can significantly affect the choice of travel mode, and proposals for all types of town centre development and developments in locations with good accessibility to services and facilities and/or well served by public transport will be expected to minimise the number of car parking spaces provided and to demonstrate this in Transport Assessments and/or Travel Plans.~~

## **Policy DM46**

### **Parking Standards**

**The Authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.**

**In the town centres and other locations with good accessibility to facilities and services, and / or well served by public transport, a reduced level of car parking will generally may be sought in all new development proposals. Proposals for new mixed-use sites will be expected to minimise the provision**

of car parking where achievable, for example by providing shared use parking, and/or car pooling as part of a Travel Plan.

Exceptions may be made to parking standards ~~for economic development proposals~~ in rural areas where satisfactory evidence and justification is included along with a transport assessment and/or Travel Plan that demonstrates why an exception ought to be made given the nature and location of the specific development proposal.

# 9 ~~Forest Heath Specific Policies~~ – Horse Racing

## Development Relating to the ~~Horse Racing Industry~~

### Introduction

- 9.1 ~~Newmarket is recognised as the international home of horse racing. This arises from the unique assembly of horse racing interests within and around the town that cover all aspects of the Horse Racing Industry (HRI). It is the only place in the country offering such facilities. The town is the historic headquarters of the Jockey Club and is the location of the Tattersall's Sales Paddocks and a wide variety of closely related specialist bloodstock services, including veterinary health and research units, commercial and financial services and specialist suppliers.~~
- 9.2 ~~The town is the historic headquarters of the Jockey Club and is the location of the Tattersall's Sales Paddocks and a wide variety of closely related specialist bloodstock services, including veterinary health and research units, commercial and financial services and specialist suppliers. Newmarket is also home of the National Stud and the National Horseracing Museum. This presence of training yards, studs, two racecourses, training grounds and sales facilities and other organisations for trainers and breeders gives Newmarket its unique status.~~
- 9.3 ~~Training yards are enclosed areas containing stable boxes to accommodate racehorses undergoing training and frequently, but not necessarily, are associated with paddocks and other buildings such as a trainer's house, ancillary accommodation for stable lads and other staff and ancillary buildings for storage and other ancillary uses required for the operation of the yard.~~
- 9.4 ~~9.3 Horse racing plays a significant role in the area Forest Heath in terms of its economic importance, and social and cultural influence and the character of the built and natural environment, and will therefore be safeguarded. Newmarket's training yards and related facilities contribute to the local heritage of the town and this is reflected in the character and appearance of the Conservation Area and its wider setting. There are also a number of historic training yards that contribute to the character of Exning. These training yards and facilities will be protected and preserved. However, these policies must remain responsive to the changing needs of the horse racing industry, including recognition of the range of supporting activities that now locally contribute to the holistic success of Newmarket as the International Home of Horseracing.~~
- 9.4 ~~Policies DM47 to DM50 seek to ensure the continued preservation of the HRI in a manner that allows it to be safeguarded whilst also ensuring that sustainable development needs can be met. However, these development management policies must remain responsive to the changing needs of the Horse Racing Industry, including recognition of the range of supporting activities that now~~



locally contribute to the holistic success of Newmarket and its surrounding area as the International Home of Horseracing.

9.5 It should be noted that Policies DM47 to DM50 apply only to equestrian development at thoroughbred training yards, stud farms or to other equine businesses development associated with the Horse Racing Industry and should be read in conjunction with Policy DM2 and other Local Plan Policies. Proposals for or relating to general businesses and domestic equine related activities are addressed by other policies in this plan, in particular policy DM32.

## **Development Relating to the Horse Racing Industry**

~~9.5 Development related to the horse racing industry does, however, have implications for Newmarket, notably in terms of traffic impacts. The local planning authority and local highway authority will both work with the horse racing industry to promote the safety of horses, riders, pedestrians and all other road users.~~

~~9.6 This policy aims to safeguard the horse racing industry and enhance the unique character that it has created in Newmarket and its surrounding landscape. Any proposed development that will adversely affect the horse racing industry will not be permitted.~~

9.6 One of the features of Newmarket is the presence in the town of training yards and HRI related services and facilities. Training yards are enclosed areas containing stable boxes to accommodate racehorses undergoing training, and frequently, but not necessarily, they are associated with paddocks and other buildings such as a trainer's house, ancillary accommodation for stable lads and other staff and ancillary buildings for storage and other ancillary uses required for the operation of the yard. Wherever possible these training yards and facilities will be protected and preserved.

9.7 Proposals for new development relating to the Horse Racing Industry will need to demonstrate that they are essential for the function of a viable commercial equine use and there is no adverse impact on local character, particularly in terms of the loss of open space and scale of development. The unique assembly of horse racing interests within and around the town are a finite resource which is vulnerable to development pressure, and once developed paddocks and other open space in horse racing related use would be lost forever. As with many specialist industries the HRI is a cyclical activity reflecting the strength of the national economy and the trends and economic fortunes of the industry itself. There needs to be a balance where the industry is supported whilst at the same time safeguarded from short term trends which would compromise the long term viability of a horse racing use and the essential character of the townscape and landscape can be preserved. Any proposed development that will adversely affect the economic, social and environmental role of the Horse Racing Industry will not be permitted unless the benefits would significantly and demonstrably outweigh any adverse impact.

9.8 The policy set out below aims to safeguard the HRI and enhance the unique character that the sport of horse racing has created both in Newmarket and on the surrounding landscape. The special character of the Conservation Area in Newmarket derives from the overlay of racehorse training, breeding and racing activities upon a traditional market town with a medieval layout. Paddocks and other equine open space, both within and outside settlement boundaries, contribute significantly to the intrinsic character and appearance of the area, and are vital to the viability of the industry. It is therefore important to safeguard these unique buildings and spaces that enable these activities and functions to thrive, and to protect the defining characteristics of the area. This historic pattern of development, landscape, character and economy could be eroded and weakened by unsympathetic or unsuitable development.

9.9 The need for 24 hour supervision is part of the licencing requirement for yards under the British Horseracing Authorities rules and animal welfare, security and the unsocial hours worked mean that residential accommodation is often required close to yards, studs and other uses accommodating racehorses. The loss of such accommodation would have an adverse impact on the operation of HRI businesses, and where it is included in any development proposal the use of such residential accommodation will be restricted to those directly employed in the day to day operation and management of the establishment.

9.10 HRI land uses are integrated into the fabric of the town and inevitably development related to the HRI has implications in terms of traffic impacts. The local planning authority and local highway authority will work with the HRI to promote the safety of horses, riders, pedestrians and all other road users. Where appropriate, proposals for development relating to the HRI should include detailed consideration of issues such as highway safety, network capacity for all relevant modes of transport, accessibility by all modes, and measures to reduce any transport impacts including considering the likely modal split to and from the site by employees, residents, visitors and deliveries.

## **Policy DM47**

### **Development Relating to the Horse Racing Industry**

**Development relating to the Horse Racing Industry will be permitted provided that:**

- a) there is satisfactory evidence of the need for and scale of the development the business viability, functional need for and scale of the proposal;**
- b) it is in keeping with the character and appearance of the distinctive townscape of Newmarket and Exning and the rural character of surrounding areas the development is designed to make a positive contribution to local character and distinctiveness;**

- ~~c) access proposals (including for the movement of horses for training) and the impact of all other movements on are acceptable to the local highway authority; and~~
- c) the occupation of any residential accommodation is restricted by condition or legal agreement to those directly employed in the day to day operation and management at the horse racing establishment; and
- ~~d) the occupation of any residential accommodation is restricted by condition or legal agreement to those directly employed in the day to day operation and management at the horse racing establishment.~~
- d) access proposals (including for the movement of horses for training) and the impact of all other movements on highway safety and the network capacity for all relevant modes of transport, are acceptable.

## Development Affecting the Horse Racing Industry

9.7 9.11 The association of Newmarket and its surrounding area with sport and horse racing stretches back nearly 400 years. Throughout this time the needs and requirements of the industry have been constantly evolving, with cycles of growth and stagnation leading to the overall consolidation of Newmarket as the headquarters of horse racing. Long established planning policies have sought to safeguard the unique heritage of Newmarket, its landscape setting, and the economic importance of the HRI. Any proposed development that will adversely affect the economic, social and environmental role of the HRI will not be permitted unless the benefits would significantly outweigh any adverse impact.

~~9.8 It is very important to remember this historical perspective when considering proposals for any development which has the potential to impact adversely on the operation of the horse racing industry generally, with the longer term protection of the industry being of significant importance.~~

## Policy DM48

### Development Affecting the Horse Racing Industry

Any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic, loss of paddocks or other open space, access and/or servicing requirements), or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.

## Redevelopment of Existing Sites relating to the Horse Racing Industry

~~9.9~~ 9.12 Given the historical association of Newmarket and its surrounding area with horse racing it is crucial that irreversible decisions are not made that threaten the town's long-term heritage sustainability. ~~It is not considered that current vacancy, even for considerable periods of time, is necessarily a reflection that these premises are no longer required, or indeed that they cannot play an important role in the horse racing industry in the future. The presumption in favour of safeguarding land in Horse Racing Industry use will only be relaxed as part of the planned provision of alternative uses required to meet the needs of the town's population, for housing, employment, recreational or community uses through proposal in an adopted local plan.~~

9.13 ~~It is not considered that current vacancy of HRI land and/or premises, even for considerable periods of time, is necessarily a reflection that these sites are no longer required, or indeed that they cannot play an important role in the horse racing industry in the future.~~

~~9.10~~ 9.14 Demand for site subdivision has been identified as an increasing threat ~~in respect of~~ to the historic training yards and studs, given that their associated houses are often desirable in terms of their location, style and size. Changes of ownership also have the potential to give rise to conflict and nuisance. ~~The~~ as ~~the~~ operation of a yard separate from the occupation of a related dwelling may cause noise and disturbance to new occupiers or place unwelcome pressure on those operating the establishment training yard.

9.15 ~~The importance of the integrity of the town's training yards in terms of their physical and functional links has been recognised and proposals for their change of use are normally resisted. However, some of the town's training yards and horse related premises are subject to pressure for commercial and, in particular, residential development, and some of them experience problems of conflicting movements of horses and traffic, particularly where there is no direct access from the premises to the specially provided horse walks.~~

9.16 ~~The NPPF recognises that often new and viable uses may be the key to the preservation of a building or area, especially where this would enable a historic building or area to be given a new lease of life. Whilst being mindful of this it is also important to recognises that one of the keys to the success of the HRI is the number and diversity in size and tenure of training establishments. By creating some flexibility in the existing policy framework it is felt that such diversity could still be retained and significant adverse implications for the industry and the town's character prevented, whilst creating the ability to respond positively to the inevitable cyclical nature and flux of the Horse Racing Industry over time.~~

~~9.11~~ 9.17 ~~Policy DM49 seeks to respond to the NPPF whilst protecting the underlying importance to the unique character of the town and surrounding~~

area. However, the horse racing industry consists of a number of related facilities and uses in addition to the training yards. The change of use of a vacant training yard, stud or other industry-related use, including land and buildings, may in exceptional circumstances, be acceptable in accordance with the following policy.

## **Policy DM49**

### **Re-development of Existing Sites Relating to the Horse Racing Industry**

~~The change of use of land and buildings, racehorse training yards, stud farms, racecourses and horse training grounds, including associated residential accommodation, (and buildings/land last lawfully used for such purposes) presently or previously relating to racehorse training yards, stud farms, the racecourses, horse training grounds or other horse racing industry related uses, and including the sub-division of the yard or site from its associated residential accommodation, will not be permitted, except in exceptional circumstances: to alternative uses directly related to the Horse Racing Industry will only be permitted if satisfactory evidence is provided that the specific benefit to the Horse Racing Industry outweighs the loss of the existing use.~~

~~In exceptional circumstances, alternative uses directly related to the horse racing industry may be accepted and any proposal will need to demonstrate, to the satisfaction of the local planning authority, its specific benefit to the horse racing industry.~~

~~In approving any such proposal the local planning authority would need to be satisfied that there is a greater need for any particular racing related use, rather than continuing in its present use.~~

~~Any approval granted in exceptional circumstances would also be subject to the proposal positively enhancing the character and appearance of the unique heritage of Newmarket.~~

~~The change of use of racehorse training yards, stud farms, racecourses, and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a proposal in an adopted local plan.~~

~~Permission will only be granted for schemes that conserve and/or enhance the character and appearance of the area and, where relevant and necessary, conditions will be imposed removing permitted development rights to prevent further changes of use.~~

## **Securing the Restoration of Horse Racing related Historic Assets**

- 9.12 ~~Newmarket retains its international importance as the centre of the horse racing industry. It is the only place in the country offering racing, training, stud farming, and sales facilities all in one location. The town has a unique character and appearance with historic training yards still operating within or on the edge of the town centre.~~
- 9.13 ~~Long established planning policies have sought to safeguard Newmarket's unique heritage, its landscape setting, and the economic importance of the horse racing industry.~~
- 9.14 ~~The Authority recognises the importance of the integrity of the town's training yards in terms of their physical and functional links and has sought to resist proposals for their change of use. However, some of the town's training yards and horse related premises are subject to pressure for commercial and, in particular, residential development, and some of them experience problems of conflicting movements of horses and traffic, particularly where there is no direct access from the premises to the specially provided horse walks.~~
- 9.15 ~~The NPPF recognises that often new and viable uses may be the key to the preservation of a building or area, especially where this would enable a historic building or area to be given a new lease of life. Whilst being mindful of this the Authority also recognises that one of the keys to the success of the horse racing industry in Newmarket is the number and diversity in size and tenure of training establishments. By creating flexibility in the existing policy framework it is felt that such diversity could still be retained and prevent significant adverse implications for the industry and the town's heritage, whilst creating the ability to respond positively to the inevitable cyclical nature and flux of the horse racing industry over time.~~
- 9.16 ~~This Policy seeks to respond to this guidance, whilst protecting the underlined importance of the unique character.~~
- 9.17 ~~The English Heritage 'Thematic Survey of Racehorse Training Stables and Stud Farms in or near Newmarket' (2003) underlined the importance of the unique character of Newmarket and its historical links to the horse racing industry, with a number of the older stables being listed buildings in their own right. This Policy is designed to support the long term retention of these buildings of special architectural or historic interest, and to facilitate the restoration and return to racing use of historic yards.~~
- 9.18 ~~The special character of the Conservation Area in Newmarket derives from the overlay of racehorse training, breeding and racing activities upon a traditional market town with a medieval layout. Paddocks contribute significantly to the unique quality of the townscape and any proposals for enabling development will need to demonstrate that the benefit of restoring the historic building~~

significantly outweighs the loss of paddock land to the townscape of the surrounding area.

## **Policy DM50**

### **Securing the Restoration of Horse Racing Related Historic Assets**

The release of land for 'enabling' development to secure the restoration and return to racing use of a historic yard, will not be permitted unless all the following criteria can be met:

- a) the development is located within (or adjacent to) a settlement boundary;
- b) the historic asset is identified as a Listed Building at risk within the up to date 'Suffolk Local Planning Authorities Historic Buildings at Risk Register', English Heritage - Heritage at Risk Register or an adopted Conservation Area Appraisal;
- c) if the land in question is paddock land, the enabling development will need to demonstrate that the benefit of restoring the listed building significantly outweighs the loss of paddock land;
- d) that it will secure the re-establishment of a historic racing yard with an appropriate and enforceable legal mechanism; and'
- e) that it satisfies, where appropriate, all the criteria set out in Policy DM22 - 'Enabling Development'. Where there is evidence that a listed building has been wilfully neglected to capitalise on this policy, since 2010, enabling development to restore a historic site will not be permitted. The Council will use its listed building enforcement powers to ensure the condition and fabric of existing historic yards are not neglected.

## **Horse Walks**

9.19 Newmarket has a unique number of horse walks and horse crossings that provide a safe passage for horses. The horse walks provide segregated cross-town links between the stable yards and training grounds to the east and west of the town. There is a clear conflict between racehorses and vehicular traffic and there is public concern regarding the danger that this presents. It is important to ensure the protection of the existing horse walks as well as improvements to them and the provision of new facilities to ensure safety for horses and general road users within the town.

## **Policy DM5150**

## **Horse Walks**

**The District Council will encourage the ~~protection~~ retention and improvement of existing horse walks in Newmarket and Exning. It will support the extension or the provision of new facilities by traffic management proposals, parking restrictions, signing, reserving the land for the purpose as part of new development proposals or by direct provision by horse racing interests or by developers through a legal agreement under section 106 of the 1990 Planning Act where necessary to the acceptability of the development.**



## **10 St. Edmundsbury Specific Policy – Rural Housing Exception Sites**

10.1 In the rural areas, the provision of affordable housing can be more challenging as the development strategy restricts housing development in the smaller villages and countryside. Granting planning permission on an exceptional basis for affordable housing on land next to the Housing Settlement Boundary of villages is one way in which to provide affordable housing which will continue to meet local needs. Affordable housing should, where possible, be located in sustainable locations close to the services and facilities that will meet the day-to-day needs of its future occupiers. Where a rural exception site is proposed for development the Authority, in consultation with local residents, will determine whether it will meet an identified local need (the need of the parish and neighbouring rural parishes) and whether the site is most suitable to meet that local need.

### **Policy DM52**

#### **Rural Housing Exception Sites**

**As an exception to the provision made in the Core Strategy for general housing demand, the local planning authority will permit rural affordable housing schemes adjoining but outside a Housing Settlement Boundary or built up area provided that:**

- a) the development will meet or assist in meeting a proven and specific need for affordable housing in the locality which could not otherwise be met;**
- b) the development is on the edge of a Key Service Centre, Local Service Centre, or Infill Village and is well related to existing community services and facilities and sympathetic to the form and character of the settlement;**
- c) the site is the most suitable to meet the identified need and, in particular, the need could not be met on any site which would better meet criterion b);**
- d) the development will not negatively impact on biodiversity, geodiversity or the surrounding landscape character. Any unavoidable harm to the natural environment will be adequately mitigated; and**
- e) secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.**

## Appendix A – Glossary

Acronym	Term	Definition
	Adoption	The final confirmation of a Local Development Document as having statutory (legal) status by a Local Planning Authority.
	Affordable housing	Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should: <ul style="list-style-type: none"> <li>- meet the needs of eligible households, including availability at a cost low enough for them to afford (determined with regard to local incomes and local house prices); and,</li> <li>- include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.</li> </ul>
	Amenity open space	An area that is primarily of visual importance but may also be used for recreation, either formally or informally.
AMR	Annual Monitoring Report	Report produced every year on the progress of preparing the Local Plan and the extent to which policies within it are being achieved.
BAP	Biodiversity Action Plan	A strategy prepared for a local area aimed at conserving biological diversity.
	Brownfield land	Brownfield land (also known as previously developed land) is that which is, or was, occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure (such as mains water pipes). The definition covers the curtilage of the development. Opposite to greenfield land.
	Building Regulations	UK regulations that seek to ensure that the policies set out in the relevant legislation are carried out satisfactorily during building works and construction projects.

Acronym	Term	Definition
BREEAM	Building Research Establishment Environmental Assessment Method	Is a measurement rating for sustainable buildings.
	Code for Sustainable Homes	Code for Sustainable Homes is an environmental assessment method for rating and certifying the performance of new homes. It is a national standard for use in the design and construction of new homes with a view to encouraging continuous improvement in sustainable home building.
	Conservation Area	Areas of special architectural or historic interest, of which we want to preserve the character, appearance or setting.
	Core Strategy	The Local Plan document which sets out the long term spatial vision for the local planning authority area, and the spatial objectives and strategic policies to deliver that vision. A Core Strategy has the status of a Development Plan Document.
	Curtilage	The area immediately adjoining and around a residential dwelling. Note: Not all garden or land within the same ownership is necessarily the 'curtilage' for planning purposes and discussion with the Authority is recommended to establish matters in each circumstance.
DM	Development Management	The term applied to the consideration and determination of planning applications by a Local Planning Authority.
	Development Plan	The statutory Development Plan comprises the Regional Spatial Strategy and the Development Plan Documents contained in an Authority's Local Plan.
DPD	Development Plan Document	Development Plan Documents outline the key development goals of the Local Plan.
EEP	East of England Plan	The Regional Spatial Strategy for the East of England, which contains a number of regional planning policies. The Coalition Government have stated their intention to revoke this document.
EICA	Environmental and Infrastructure Capacity	This study considers the environmental capacity of settlements and the need for and means of

Acronym	Term	Definition
	Appraisal	providing and maintaining social, physical and environmental infrastructure to support growth in the Forest Heath District and St. Edmundsbury Borough areas.
GPDO	The General Permitted Development Order 1995	Regulations which grant planning permission for certain specified development without the need for a developer to first obtain planning permission.
	Greenfield land	Land (or a defined site) which has never been built on before or where the remains of any structure or activity have blended into the landscape over time (opposite of brownfield land). Applies to most land outside the housing settlement boundary.
	Green Infrastructure	Green Infrastructure is a strategically planned and delivered network of high quality green spaces and other environmental features. Green Infrastructure includes, amongst other things, parks, open spaces, playing fields, woodlands, allotments and private gardens.
HRA	Habitats Regulations Assessment	An assessment undertaken to consider and appraise the likely impact of a plan or project upon designated sites of nature conservation importance.
HRI	Horse Racing Industry	A generic term applied to the unique assembly of horse racing related <b>land uses and</b> interests concentrated in and around Newmarket.
	Housing settlement boundary / defined settlement	These represent the development limits or residential areas within which development proposals would be acceptable, subject to complying with other policies contained in the Development Plan. They seek to prevent development from gradually extending into the surrounding countryside.
	Issues and Options	Document(s) produced during the early production stage of the preparation of Development Plan Documents and issued for consultation.
	Key Service Centre	A higher order settlement, as defined in the relevant Core Strategy. The services and facilities available in Key Service Centres include some if not all of: a convenience shop, public transport, health care, primary school and access to employment

Acronym	Term	Definition
		opportunities.
	<u>Leisure, culture and recreation:</u>	<u>The NPPF includes leisure, culture and recreation within its definition of main town centre uses and describes them as follows: “leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)”</u> . These uses generally fall within classes <u>D1 (Non-residential institutions), D2 (Assembly and leisure) and sui generis (certain uses do not fall within any use class) of the Use Classes Order.</u>
	<u>Local Centre</u>	<u>A small group of shops, services and community facilities generally serving the local area</u>
LDD	Local Development Document	The various individual documents (DPD, SCI, SPD) in the Local Plan.
LDS	Local Development Scheme	A public statement setting out which documents will make up the Local Plan, and when they will be produced.
	Local Plan	The name for the portfolio of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Reports. Together these documents will provide the framework for delivering the spatial planning strategy for the Districts.
LPA	Local Planning Authority	The relevant Authority in each case, either Forest Heath District Council or St. Edmundsbury Borough Council.
	Local Service Centre	A lower order settlement which provides basic local services, as defined in the relevant Core Strategy.
LTP	Local Transport Plan	The transport strategy prepared by the local

Acronym	Term	Definition
		transport authority (Suffolk County Council).
	Localism Act	The Localism Act introduces a number of changes to planning, including the abolition of Regional Spatial Strategies and the introduction of Neighbourhood Plans.
	<u>Main town centre uses</u>	<u>Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).</u>
	National Nature Reserve	Are designated by Natural England and are key places for wildlife and natural features in England.
NPPF	National Planning Policy Framework	Has replaced the suite of Planning Policy Guidance Notes and Statements as the national set of planning policies.
	Policies Map	A map included as part of a Local Plan which details spatially the policies and allocations relevant to a particular area.
	Preferred Options	Document(s) produced as part of the preparation of Development Plan Documents, and issued for formal public participation. It shows the preferred direction, but not the final version, of a Development Plan Document.
	Primary Village	See: Local Service Centre.
	Recreational Open Space	An area that is primarily used for children's play, and/or formal or informal organised games, but may also be visually important.
	Rural exception housing	Affordable housing developed in areas adjacent to existing settlement boundaries, in areas that would not normally obtain planning permission for market housing.
SAM	Scheduled Ancient	Is a nationally important archaeological site or

Acronym	Term	Definition
	Monument	historic building designated as such by the Secretary of State.
S106	Section 106 Agreement	Section 106 of the 1990 Planning Act allows for Local Planning Authorities and persons interested in land to legally agree contributions, arrangements and restrictions as part of and in support of a planning application in order to make it accord with local planning requirements.
	<u>Significance</u>	<u>Significance (when used in the context of heritage policies): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.</u>
SSSI	Sites of Special Scientific Interest	Is a conservation designation denoting a protected area in the United Kingdom.
SCI	Statement of Community Involvement	Document setting out how and when stakeholders and other interested parties will be consulted and involved in the preparation of the Local Plan (and in the consideration of individual planning applications).
SAC	Special Areas of Conservation	Is a designation under the European Union Directive on the Conservation of Wild Birds. Under the Directive, Member States of the European Union (EU) have a duty to safeguard the habitats of migratory birds and certain particularly threatened birds. Together with Special Protection Areas (SPAs), the SACs form a network of protected sites across the EU, called Natura 2000.
SPA	Special Protection Area	Is a designation under the European Union Directive on the Conservation of Wild Birds. Under the Directive, Member States of the European Union (EU) have a duty to safeguard the habitats of migratory birds and certain particularly threatened birds. Together with Special Areas of Conservation

Acronym	Term	Definition
		(SACs), the SPAs form a network of protected sites across the EU, called Natura 2000.
SA	Sustainability Appraisal	Identifies and evaluates the effects of the strategy or plan on social, environmental and economic conditions.
SEA	Strategic Environmental Assessment	An assessment of the environmental effects of a plan or programme required by EU Directive 2001/42/EC. Combined with the Sustainability Appraisal.
SFRA	Strategic Flood Risk Assessment	The study and assessment is a piece of work that was undertaken jointly between Forest Heath District Council and St. Edmundsbury Borough Council. The purpose of the Strategic Flood Risk Assessment (SFRA) Level 1 study and the Outline Water Cycle (WCS) is to identify if there are any flooding or water related issues presenting significant obstacles to the ability to provide the preferred levels of development.
	Site specific allocations	Allocations of sites for specific or mixed uses or development, to be contained in the Allocations DPD. Policies will identify any specific requirements for individual proposals. The sites themselves will be shown on a Policies Map.
SPD	Supplementary Planning Document	Elaborates on policies or proposals in DPDs, and gives additional guidance.
SPG	Supplementary Planning Guidance	Provides guidance or development briefs to supplement policies and proposals in an old Local Plan (being replaced by SPD).
	Structure Plan	The strategic plan produced under the former planning system by county councils.
SUDS	Sustainable Urban Drainage System	A sustainable urban drainage system is designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges by seeking to replicate natural systems for the collection, storage, and distribution of waste and rain water
The 2004	Planning and	Puts in place the statutory framework for preparing



Acronym	Term	Definition
Act	Compulsory Purchase Act 2004	RSS and LDFs.
The Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012	The formal Government regulations that define how the Local Plan is produced.
	Town(s)	Brandon, Bury St. Edmunds, Haverhill, Mildenhall, Newmarket.
TA	Transport Assessment	A Transport Assessment is a comprehensive review of all the potential transport impacts of a proposed development or re-development, with an agreed plan to mitigate any adverse consequences.
TP	Travel Plan	A travel plan is a package of actions designed by a workplace, school or other organisation to encourage safe, healthy and sustainable travel options.
	Urban heat island effect	Urban heat island effect is when an urban area is significantly warmer than its surrounding rural areas. The main cause of the urban heat island is modification of the land surface by urban development which uses materials which effectively retain heat thereby increasing the temperature.
WCS	Water Cycle Study	See: Strategic Flood Risk Assessment.
	West Suffolk	The administrative area covered by Forest Heath District Council and St. Edmundsbury Borough Council.

## Appendix B – Superseded Policies

### Saved Forest Heath Local Plan (1995) Policies

#### Saved Policies to be replaced

The Forest Heath Local Plan was adopted in 1995. In 2007 Forest Heath District Council made representations to the Secretary of State to save a number of policies from the 1995 Local Plan beyond the three year transition period from the implementation of the Planning and Compulsory Purchase Act (2004).

The following saved policies are superseded on adoption of the Joint Development Management Policies Document.

Forest Heath 1995 Local Plan policy reference	Policy Heading	Where policy is superseded by the Development Management Document
4.14	Windfall Sites – Towns	DM2, <del>DM23</del> <del>DM22</del>
4.15	Windfall Sites – Villages	DM2, <del>DM23</del> <del>DM22</del>
4.16	Windfall Sites – Minor Settlements	DM5, <del>DM27</del> , DM28, <del>DM29</del> , DM33,
4.24	Replacement or Extended Dwellings in the Countryside	<del>DM25-DM24</del>
4.28	Conversion of Existing Properties to Flats / Houses of Multiple Occupation	DM2, <del>DM23</del> , <del>DM22</del>
4.31	Self Contained Residential Annexes	<del>DM25-DM24</del>
4.32	Extensions to Dwellings	DM2, <del>DM25-DM24</del>
5.14	Visitor Attractions (Horse Racing)	Not directly replaced, but partially by DM34, DM47, and <del>DM50</del>
6.10	Horse Walks	<del>DM51-DM50</del>
6.12	Lorry Parking	DM2
7.5	Non Retail Uses in Town Centres	DM35
8.19	Advertisements and Shop Fronts in Conservation Areas	<del>DM18-DM17</del> , DM38
8.37	Vacant Sites	DM2
9.1	The Rural Area and New Development	DM2, DM5
9.2	The Rural Area and New Development	DM2, DM5
10.2	Outdoor Playing Space	DM42, DM43
10.3	Outdoor Playing Space	DM42, DM43

<b>Forest Heath 1995 Local Plan policy reference</b>	<b>Policy Heading</b>	<b>Where policy is superseded by the Development Management Document</b>
10.5	Loss of Public or Private Open Space or Recreational Facilities	DM42
12.1	Racecourse and Training Grounds	DM48
12.2	The Studs	DM49
12.3	Landscape Setting of Stud Farms and Newmarket	DM2, DM5, DM48, DM49
12.4	Training Establishments	DM47, DM49
12.5	Training Establishments	DM47, DM48, DM49
12.6	Training Establishments	DM47, DM48, DM49
12.7	Training Establishments	DM47
12.8	Training Establishments	DM47
12.10	Horse Racing – Other Facilities	DM47, DM48, DM49

## **Saved St Edmundsbury Replacement Local Plan (2016) Policies**

### **Saved Policies to be replaced**

The St Edmundsbury Replacement Local Plan was adopted in 2006. In 2009 St Edmundsbury Borough Council made representations to the Secretary of State to save a number of policies from the Replacement Local Plan beyond the transition period from the implementation of the Planning and Compulsory Purchase Act (2004).

The following saved policies are superseded on adoption of the Joint Development Management Policies Document.

<b>Replacement St Edmundsbury Local Plan 2016 policy reference</b>	<b>Policy heading</b>	<b>Where policy is superseded by the Development Management Document</b>
DS2	The Sequential Approach to development	N/A (NPPF)
DS4	Masterplans	DM3
DS5	Design Guidance and Development Briefs	DM4
H2	Housing Development within Bury St Edmunds and Haverhill	DM2, <del>DM25</del> <u>DM24</u>
H4	Housing Density	DM2, <del>DM23</del> <u>DM22</u>

<b>Replacement St Edmundsbury Local Plan 2016 policy reference</b>	<b>Policy heading</b>	<b>Where policy is superseded by the Development Management Document</b>
H5	Mix of Housing	DM2, <del>DM22</del> , DM23, <del>DM24</del>
H6	Alterations or Extensions to Dwellings	<del>DM25-DM24</del>
H7	Special Housing Needs	<del>DM24-DM23</del>
E1	Existing Employment Land and Premises	DM30
RU1	Employment Development in Rural Areas	DM5
RU2	Farm Diversification	DM31
RU3	Equine Related Activities outside Housing Settlement Boundaries	DM32
RU4	Re-use of Rural Buildings in The Countryside	DM33
<u>RU5</u>	<u>Replacement of Buildings in the Rural Areas</u>	<u>DM33</u>
RU6	Housing Development in the Rural Areas	DM5, DM33
RU7	Removal of Agricultural Occupancy Conditions	<del>DM27-DM26</del>
RU8	Rural Housing Exception Sites	<del>DM52-DM29</del>
RU9	Retail Proposals within Rural Housing Settlement Boundaries	DM36
RU10	Protection of Rural Services	DM36, DM41
RU11	Touring Holiday and Camping Sites	DM34
L1	Golf Courses and Related Facilities	DM42, DM43
L2	Tourism Development	DM34, DM43
L3	Visitor Accommodation	DM34
L4	Standards of Open Space and Recreation Provision	DM42, DM43
L5	Safeguarding Parks and Open Spaces	DM42
L6	Allotments	DM42
L7	Public Rights of Way	DM44
TCR2	Protection of Primary Shopping Areas and Shopping Centres	DM35, DM36
TCR3	Shopfronts and Advertisements	DM38, DM2
TCR4	Amusement Arcades	DM2
TCR5	Street Trading and Street Cafes	DM39
TCR6	Ancillary Retail Uses	DM40
T1	Transport Assessments	DM45
T3	Travel Plans	DM45
T4	Private Non-Residential Parking	DM46
T5	Parking Standards	DM46
T6	Off Street Car Parking	DM46
T7	Lorry Parking	DM2

<b>Replacement St Edmundsbury Local Plan 2016 policy reference</b>	<b>Policy heading</b>	<b>Where policy is superseded by the Development Management Document</b>
T8	Cycling and Pedestrian Strategies	DM2, DM3, DM4
T9	Roadside Services	DM2, DM5
HC1	Alterations and Extensions to Listed Buildings and Development Within their Curtilage	DM16
HC2	Demolition of Listed Buildings	<del>DM16</del> - <del>DM15</del>
HC3	Enabling Development	<del>DM22</del> - <del>DM21</del>
HC4	Buildings of Local Architectural or Historic Significance or Protected by an Article 4 Direction	<del>DM17</del> - <del>DM16</del>
HC5	Demolition of Unlisted Buildings, Structures or features within Conservation Areas	<del>DM18</del> - <del>DM17</del>
HC6	New Development in Conservation Areas	<del>DM18</del> - <del>DM17</del>
HC7	New Uses for Historic Buildings	<del>DM19</del> - <del>DM18</del>
HC8	Development Affecting Parks and Gardens of Special Historic or Design Interest	<del>DM20</del> - <del>DM19</del>
HC9	Sites and Features of Archaeological Importance	<del>DM21</del> - <del>DM20</del>
NE1	Impact of Development on Sites of Biodiversity and geological Importance	<del>DM11</del> , <del>DM13</del> <del>DM10</del> , <del>DM12</del>
NE2	Protected Species	<del>DM12</del> , <del>DM13</del> <del>DM11</del> , <del>DM12</del>
NE3	Protection of the Landscape	<del>DM14</del> - <del>DM13</del>
NE4	Natural Resources	DM5, DM6
NE5	Environmental Quality	DM2
NE6	Safeguarding from Hazards	<del>DM15</del> - <del>DM14</del>
FC1	Community Services	DM41
FC2	Utility Services	<del>DM10</del> - <del>DM9</del>
FC3	Telecommunications Development	<del>DM10</del> - <del>DM9</del>
FC4	Renewable Energy Proposals	<del>DM10</del> - <del>DM9</del>

## Appendix C – Monitoring and Review Framework

### Monitoring and Review Framework

Future monitoring of the plan policies is required to enable an understanding of the extent to which the Development Management Policies deliver what is intended over the lifetime of the plan period

The ~~Table~~ below sets out the indicators for monitoring the effectiveness of policies, including, where applicable, performance against targets. These policies will be monitored annually through the authorities respective Annual Monitoring Reports (AMRs).

Monitoring the Development Management Policies enables the following issues to be considered: the impact the plan is having in helping to achieve targets, milestones and success factors as identified in the monitoring framework; whether the policies are working effectively or require adjusting to a more flexible approach; and whether any wider national policy changes are having an impact on the application of the Development Management Policies.

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
DM1 Presumption in favour of Sustainable Development	All Objectives ECO1-T4	All Objectives A - J	See below	See below	See below
DM2 Creating places - development principles and local distinctiveness	Objective ENV4 ENV5	Objective E	1. Number of approved concept statements and masterplans 2. Number of approved landscape and character	N/A	1. Annually 2. Annually

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
			appraisals		
DM3 Masterplans	Objective ENV4 ENV5	Objective E	1. Number of approved masterplans	N/A	1. Annually
DM4 Development Briefs	Objective ENV4 ENV5	Objective E	1. Number of approved development briefs	N/A	1. Annually
DM5 Development in the Countryside	Objective ENV1	Objective G	1. Number of developments approved that result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)	1. Zero	1. Annually
DM6 Flooding and Sustainable Drainage	Objective ENV2	Objective J	1. Number and proportion of major schemes that incorporate SUDS 2. Number of planning applications approved against Environment Agency advice 3. Properties at risk of flooding from rivers 4. Number of properties damaged by flooding	1. 100% 2. Zero 3. Decrease/increase/stable 4. Decrease/increase/stable	1. Annually 2. Annually 3. Annually 4. Annually

Policy	Forest Heath Core Strategy Objective	St Edmundsbury Core Strategy Objective	Indicators/Source	Targets	Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below
DM7 Sustainable Design and Construction	Objective ENV3	Objective J	1. Percentage of buildings achieving desired rating against national building standards such as code for sustainable homes or BREEAM 2. All approved residential schemes meet the required environmental standards	1. Percentage 2. 100%	1. Annually 2. Annually
<del>DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions</del>	<del>Objective ENV3</del>	<del>Objective J</del>	<del>1. Percentage of developments of 10 or more dwellings, or in excess of 1000 sq.m. in the case of other development, which achieves a 10% reduction in residual CO2 emissions</del>	<del>1. 100%</del>	<del>1. Annually</del>
DM9-DM8 Low and Zero Carbon Energy Generation	Objective ENV3	Objective J	1. Percentage of new development which sources a percentage of energy from low carbon or renewable sources i) on site ii) off site	1. Percentage achieved	1. Annually



<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
<del>DM10</del> -DM9 Infrastructure Services and Telecommunications Development	Objectives ENV1 ENV7	Objective G Objective I	1. Number of applications for telecommunications development approved in new locations	No target	annual
<del>DM11</del> -DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance	Objective ENV1	Objective H	1. Change in number and area of designated ecological sites 2. Achievement of habitat and species action plan targets 3. Improved local biodiversity – proportion of Local Sites (County Wildlife Sites) where active conservation management is being achieved 4. Reported condition of ecological SSSIs 5. Reported condition of geological SSSIs and RIGs 6. Development proposals affecting BAP habitats outside protected areas	1. No net loss 2. Compliance 3. Improve 4. Improve or no change or deterioration 5. Improve or no change or deterioration 6. Zero	1. Annual 2. Periodically 3. Periodically 4. (with Natural England) periodically 5. periodically 6. periodically

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
<del>DM12</del> <u>DM11</u> Protected Species	Objective ENV1	Objective H	1. Number of planning applications with an ecological report or ecological condition attached	1. No target	1. Annually
<del>DM13</del> <u>DM12</u> Mitigation, Enhancement, Management and Monitoring of Biodiversity	Objective ENV1	Objective H	1. Percentage of new developments (excluding minor household applications) making contributions through S106 or CIL towards management and/or monitoring of visitor pressure and urban effects on key biodiversity sites	1. No target	1. Annually
<del>DM14</del> <u>DM13</u> Landscape Features	Objective ENV1	Objective H	1. Number of applications submitted with landscaping schemes 2. Number of applications for development approved in Special Landscape Areas (SLAs)	1. No target 2. No target 3. Increase	1. Annually 2 Annually 3 Annually

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
			3. Change in amount of accessible green space		
<del>DM15</del> -DM14 <u>Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards</u>	Objective ENV1	Objective G	No current monitoring	N/A	N/A
DM16- <del>DM15</del> Listed Buildings	Objective C4	Objective G	1. Number of listed buildings and buildings at risk	1. decrease in buildings at risk	1. English Heritage Annually
DM17- <del>DM16</del> Local Heritage Assets and Buildings Protected by an Article 4 Direction	Objective C4	Objective G	1. Number and area of Conservation Areas and Article 4 Directions	1. No net loss	1. English Heritage Annually
DM18- <del>DM17</del> Conservation Areas and Buildings of Local Importance.	Objective C4	Objective G	1. Number and area of Conservation Area appraisals completed and environmental schemes (in Conservation Areas) implemented	1. Increase	1. Annually
DM19- <del>DM18</del> New Uses for Historic	Objective C4	Objective G	1. Number of applications against number approved	1. No target	1. Annually

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
Building			for conversion of listed barns to dwellings		
<del>DM20</del> <u>DM19</u> Development Affecting Parks and Gardens of Special Historic or Design Interest	Objective C4	Objective G	1. Number of historic parks and gardens (all grades)	1. No net loss	1. English Heritage Annually
<del>DM21</del> <u>DM20</u> Archaeology	Objective C4	Objective G	1. Number of applications affecting known or unknown archaeological sites but judged high potential and approved with conditions requiring prior excavation or recording during development	1. No target	1. Annually
<del>DM22</del> <u>DM21</u> Enabling Development	Objective C4	Objective G	1. Number of applications received for enabling development against Number approved	1. No target	1. Annually
<del>DM23</del> <u>DM22</u> Residential Design	Objective ENV4	Objective G	1. Number of applications approved with a design and access statement	1. No target	1. Annually
<del>DM24</del> <u>DM23</u> Special Housing	Objective H3	Objective A	No current monitoring	N/A	N/A

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
Needs					
<del>DM25</del> - <del>DM24</del> Alterations or Extensions to Dwellings, <u>including</u> <del>and</del> self contained Annexes <u>and</u> <u>Development within the Curtilage</u>	Objective H2	Objective A	No current monitoring	N/A	N/A
<del>DM26</del> - <del>DM25</del> Extension to Domestic Gardens Within the Countryside	Objective ENV1	Objective G	1. Number of applications received against the number approved for domestic garden extensions	1. No target	1. Annually
<del>DM27</del> - <del>DM26</del> Agricultural and Essential Workers Dwellings	Objectives H1 H2	Objective A Objective C	No current monitoring	N/A	N/A
<del>DM28</del> - <del>DM27</del> Housing in the Countryside	Objective ENV1	Objective G	1. Number of applications received against the number approved for new dwellings in the countryside	1. No target	1. Annually
<del>DM29</del> - <del>DM28</del> Residential use of Redundant Buildings	Objective ENV1	Objective G	No current monitoring	N/A	N/A

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
in the Countryside					
<u>DM29 Rural Housing Exception Sites in St Edmundsbury</u>	<u>Objective H1</u>		<u>1. Affordable housing completions and permissions</u>	<u>1. SEBC 30% target</u> <u>FHDC 30% target</u>	<u>1. Annually</u>
DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses	Objective ECO1 ECO6	Objective B	1. Employment availability (Rural) 2. Employment availability (Urban) 3. Employment permissions and completions on brownfield land	1 & 2. To maintain a supply of available land where appropriate 3. No target	1 & 2. Annually  3. Annually
DM31 Farm Diversification	Objective ECO6	Objective C	1. Number of farmers markets and farm shops	1. Increase	1. Annually
DM32 Business and Domestic Equine Related Activities <u>in the Countryside</u>	Objective ECO5	Objective C	No current monitoring	N/A	N/A
DM33 Re-Use or Replacement of Buildings in the Countryside	Objectives ENV1 H1	Objective C Objective G	No current monitoring	N/A	N/A

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
DM34 Tourism Development	Objectives ECO5 ECO7 C3	Objective D	No current monitoring	N/A	N/A
DM35 Proposals <u>for main town centre uses</u> <u>Within the Town Centre Boundaries</u>	Objective ECO4	Objective E	1. Percentage of new retail floorspace in town centres 2. Percentage of vacant units within town centre	1. No target 2. Not exceed the national average	1. Annually 2. Annually
DM36 Protection of Local Centres	Objective ECO4	Objective E	1. Percentage of new retail floorspace in local centres	1. No target	1. Annually
DM37 Public Realm improvements	Objectives ECO5 ECO7 ENV4	Objective G	1. Number of applications approved which contribute to S106 or CIL to public realm improvements	1. No target	1. Annually
DM38 Shop fronts and Advertisements	Objective ECO4	Objective E	No current monitoring	N/A	N/A
DM39 Street trading and street cafes	Objective ECO4	Objective E	No current monitoring	N/A	N/A
DM40 Ancillary Retail Uses	Objective ECO4	Objective E	No current monitoring	N/A	N/A

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
DM41 Community Facilities and Services	Objectives ECO4 ECO6 ENV7	Objective C Objective E	1. Number of planning applications approved that resulted in the loss of a community facility 2. Percentage of rural households within a 15 minute walk of an hourly bus service 3. Proportion of population with access to key local services	1. Zero  2. Percentage increase  3. Percentage increase	1. Annually  2. Annually  3. Annually
DM42 Open Space, Sport and Recreation Facilities	Objective C2	Objective D	1. Additions to open space provision in the borough 2. Financial contributions secured for off-site public open space improvements (excluding CIL) 3. New/ improved play spaces including in housing estates and through planning obligations (inclusion in development and financial contributions) Enhance and increase provision over lifetime of plan.	1. Maintain or increase  2. No target  3. Enhance and increase over the lifetime of the plan	1. Annually  2. Annually  3. Annually



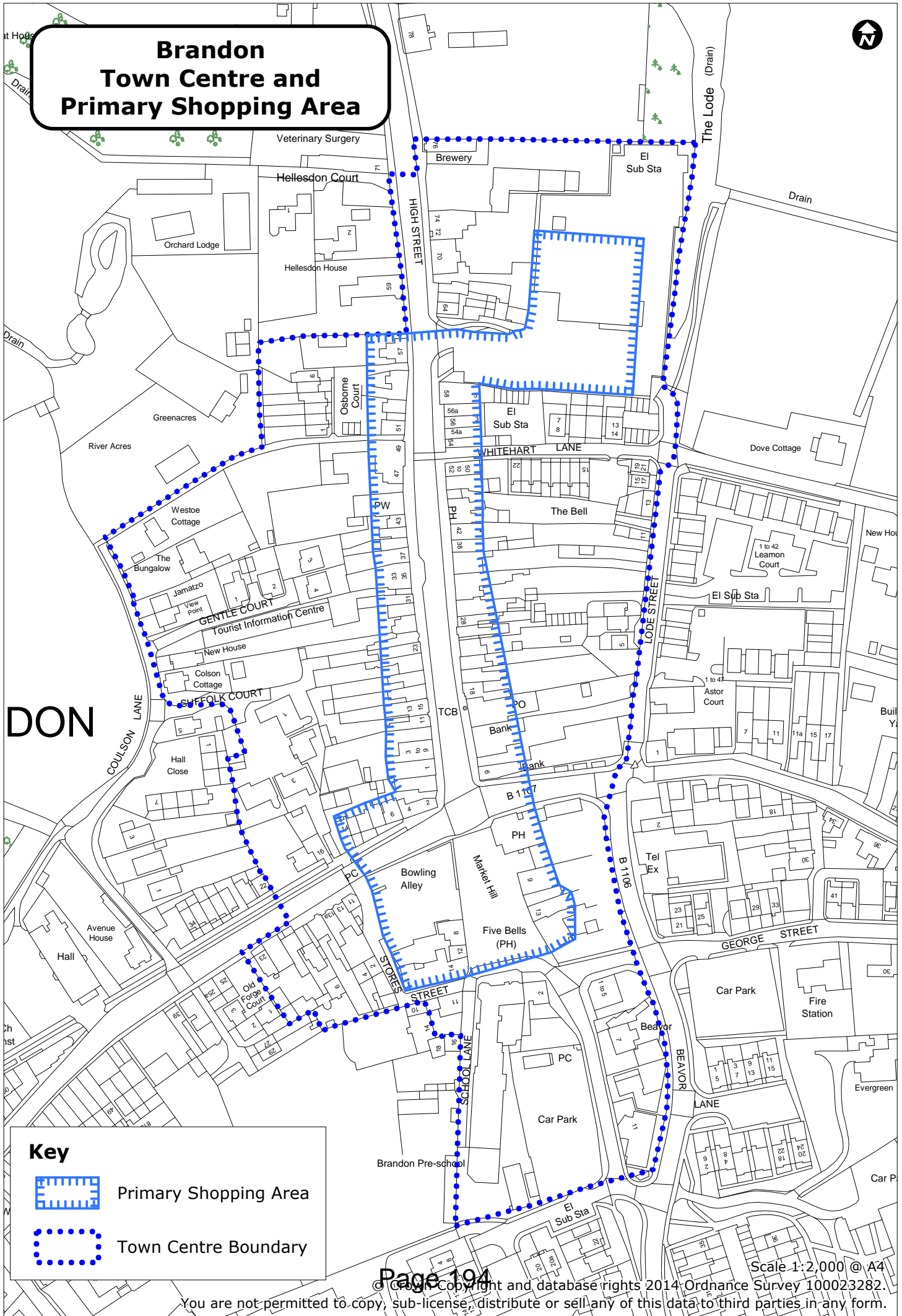
<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
DM43 Leisure and Cultural Facilities	Objectives C2 C3	Objective D	No current monitoring	N/A	N/A
DM44 Rights of Way	Objective ENV1	Objective H	1. Improvements to the public rights network 2. Length of rights of way routinely cleared of surface growth	1. Increase 2. Increase	1. Annually 2. Annually
DM45 Transport Assessments and Travel Plans	Objectives T1 T4	Objective F	1. Number of developments where a travel plan is submitted or is a condition of development	1. Increase	1. Annually
DM46 Parking Standards	Objectives T1 T4	Objective F	1. Car parking standards (the number of spaces per development)	1. Decrease	1. Annually
DM47 Development relating to the horse racing industry	Objectives ECO3 ECO5	N/A	No current monitoring	N/A	N/A
DM48 Development affecting the Horse Racing Industry	Objectives ECO3 ECO5	N/A	No current monitoring	N/A	N/A

<b>Policy</b>	<b>Forest Heath Core Strategy Objective</b>	<b>St Edmundsbury Core Strategy Objective</b>	<b>Indicators/Source</b>	<b>Targets</b>	<b>Responsible Bodies are St Edmundsbury and Forest Heath unless indicated below</b>
DM49 Redevelopment of existing sites relating to the horse racing industry	Objectives ECO3 ECO5	N/A	No current monitoring	N/A	N/A
DM50 Securing the restoration of horse racing related assets	Objectives ECO3 ECO4 ECO5	N/A	No current monitoring	N/A	N/A
<del>DM51</del> DM50 Horse Walks	Objectives ECO3 ECO5	N/A	No current monitoring	N/A	N/A
DM52 Rural Housing Exception Sites	Objective H1		1. Affordable housing completions and permissions	1. SEBC 30% target — FHDC 30% target	1. Annually

# Appendix D – Town Centres



# Brandon Town Centre and Primary Shopping Area



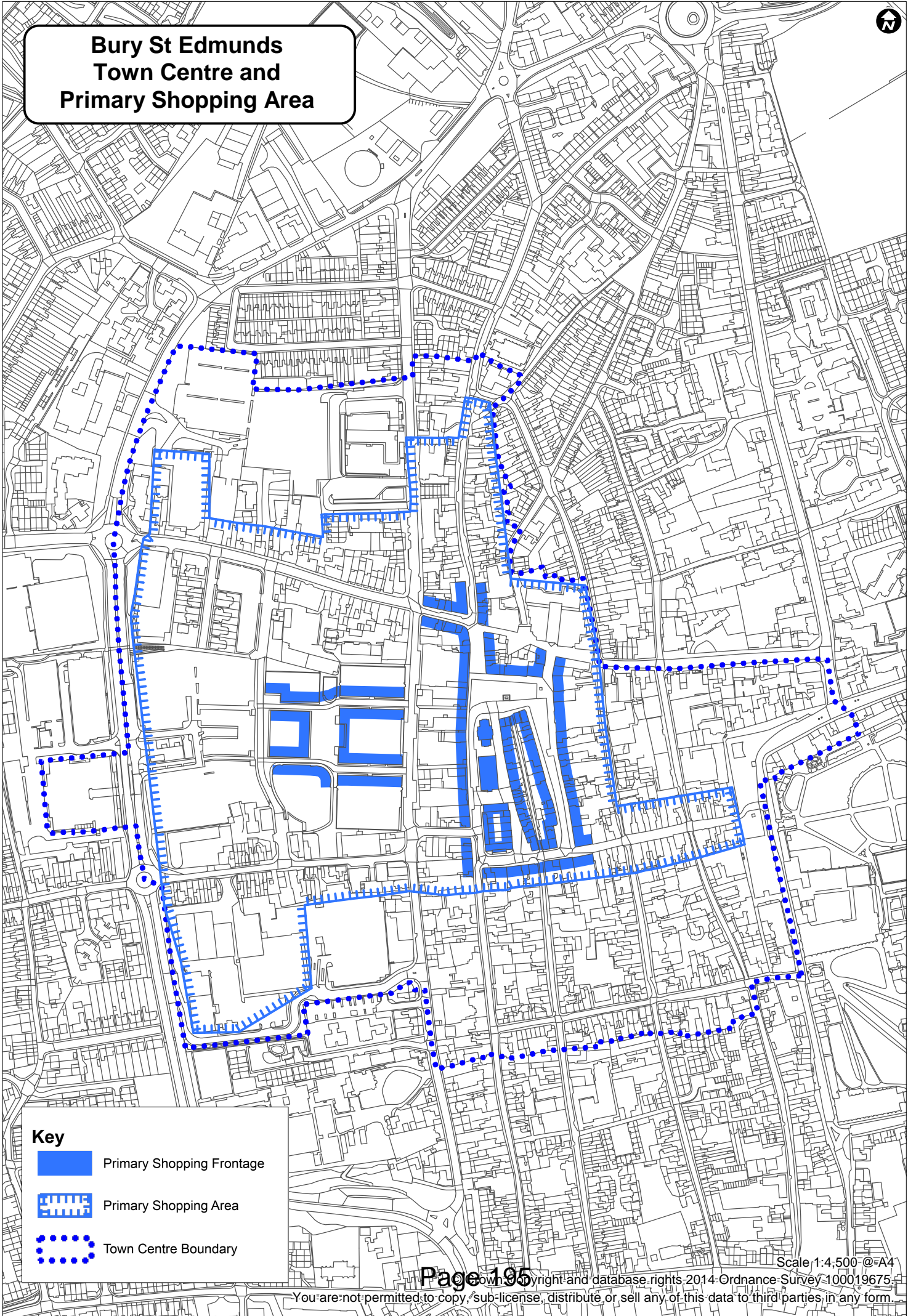
DON

**Key**

-  Primary Shopping Area
-  Town Centre Boundary



# Bury St Edmunds Town Centre and Primary Shopping Area

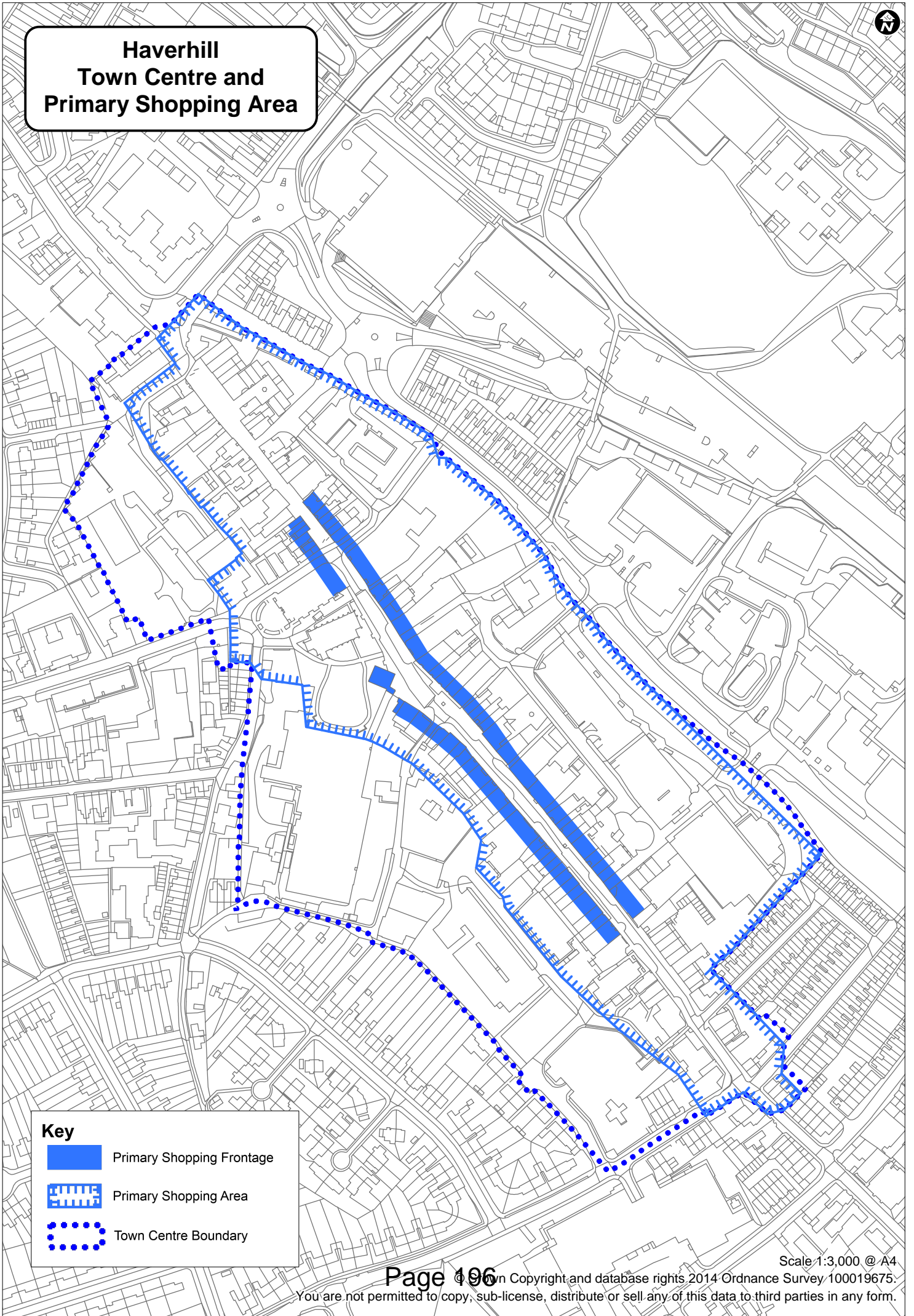


**Key**


-  Primary Shopping Frontage
-  Primary Shopping Area
-  Town Centre Boundary



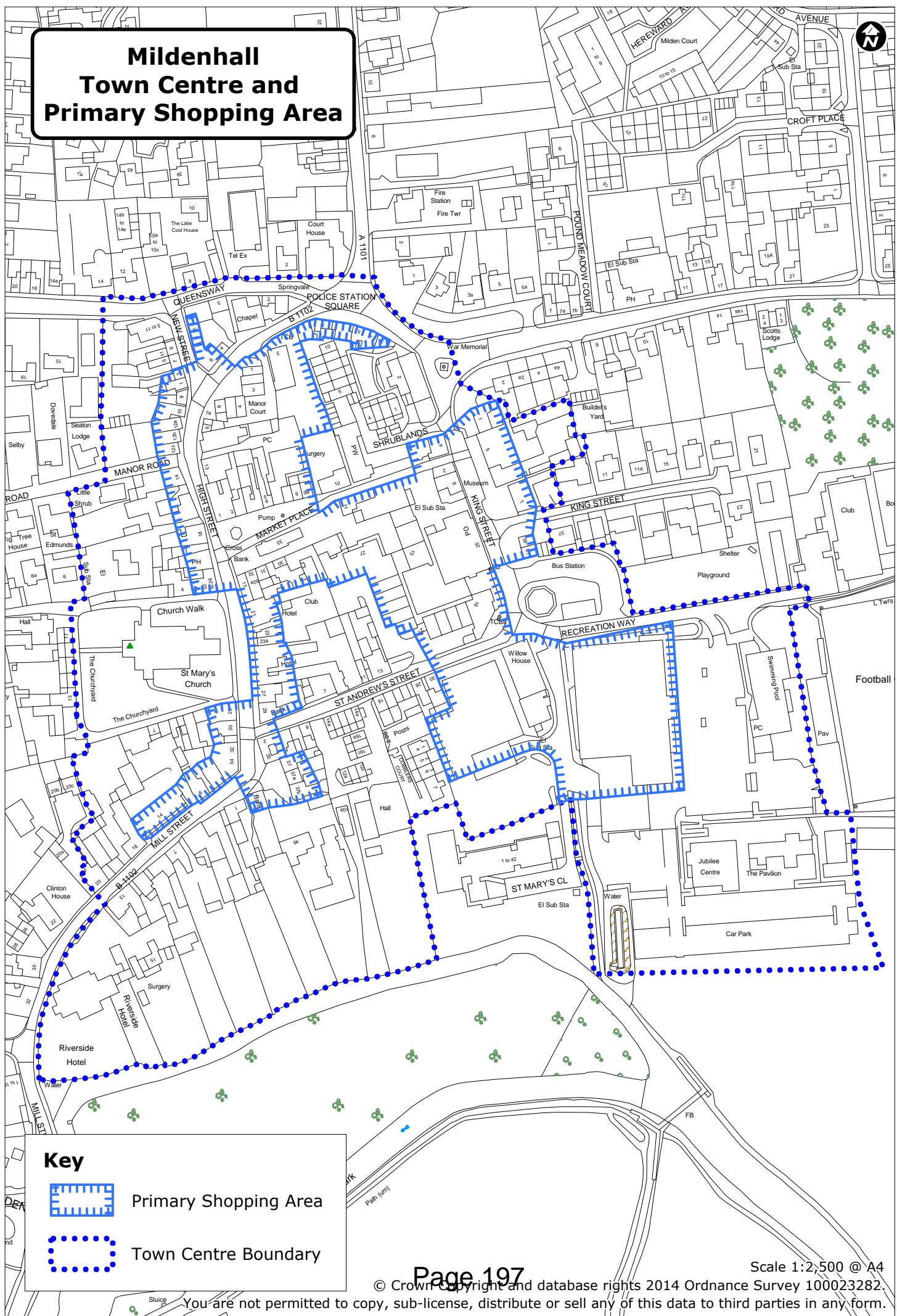
# Haverhill Town Centre and Primary Shopping Area



**Key**

-  Primary Shopping Frontage
-  Primary Shopping Area
-  Town Centre Boundary

# Mildenhall Town Centre and Primary Shopping Area

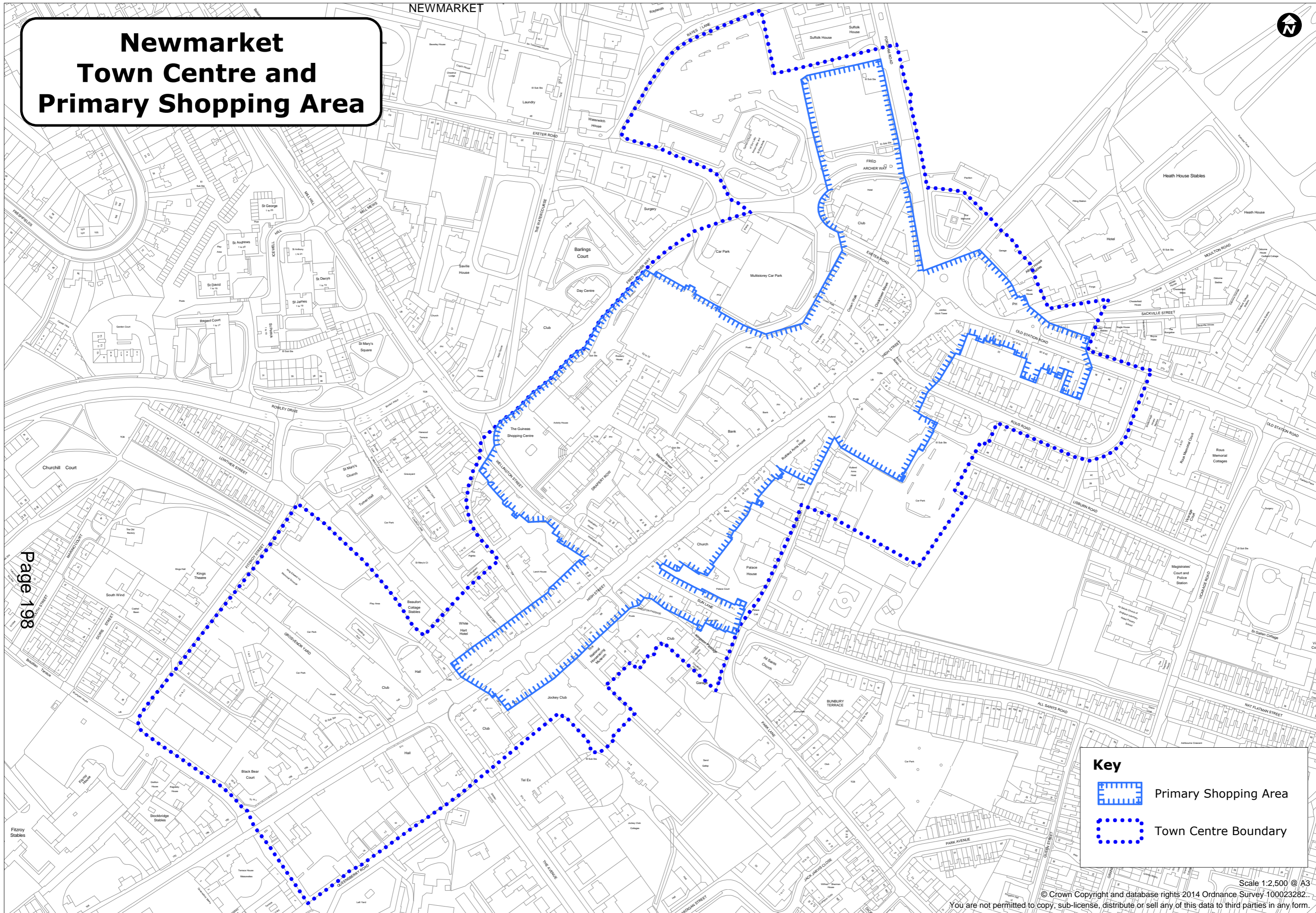


**Key**

-  Primary Shopping Area
-  Town Centre Boundary



# Newmarket Town Centre and Primary Shopping Area



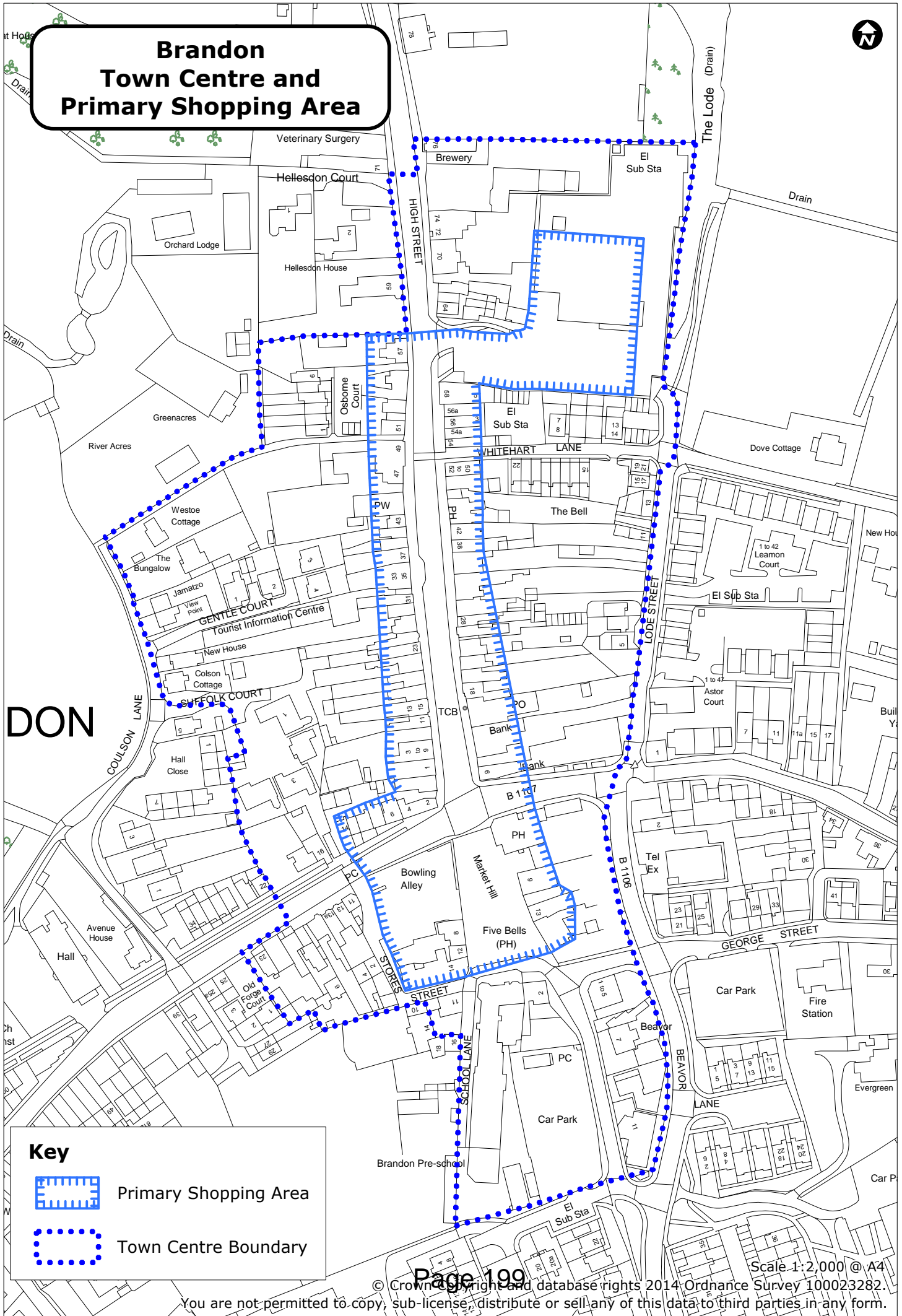
**Key**

-  Primary Shopping Area
-  Town Centre Boundary





# Brandon Town Centre and Primary Shopping Area



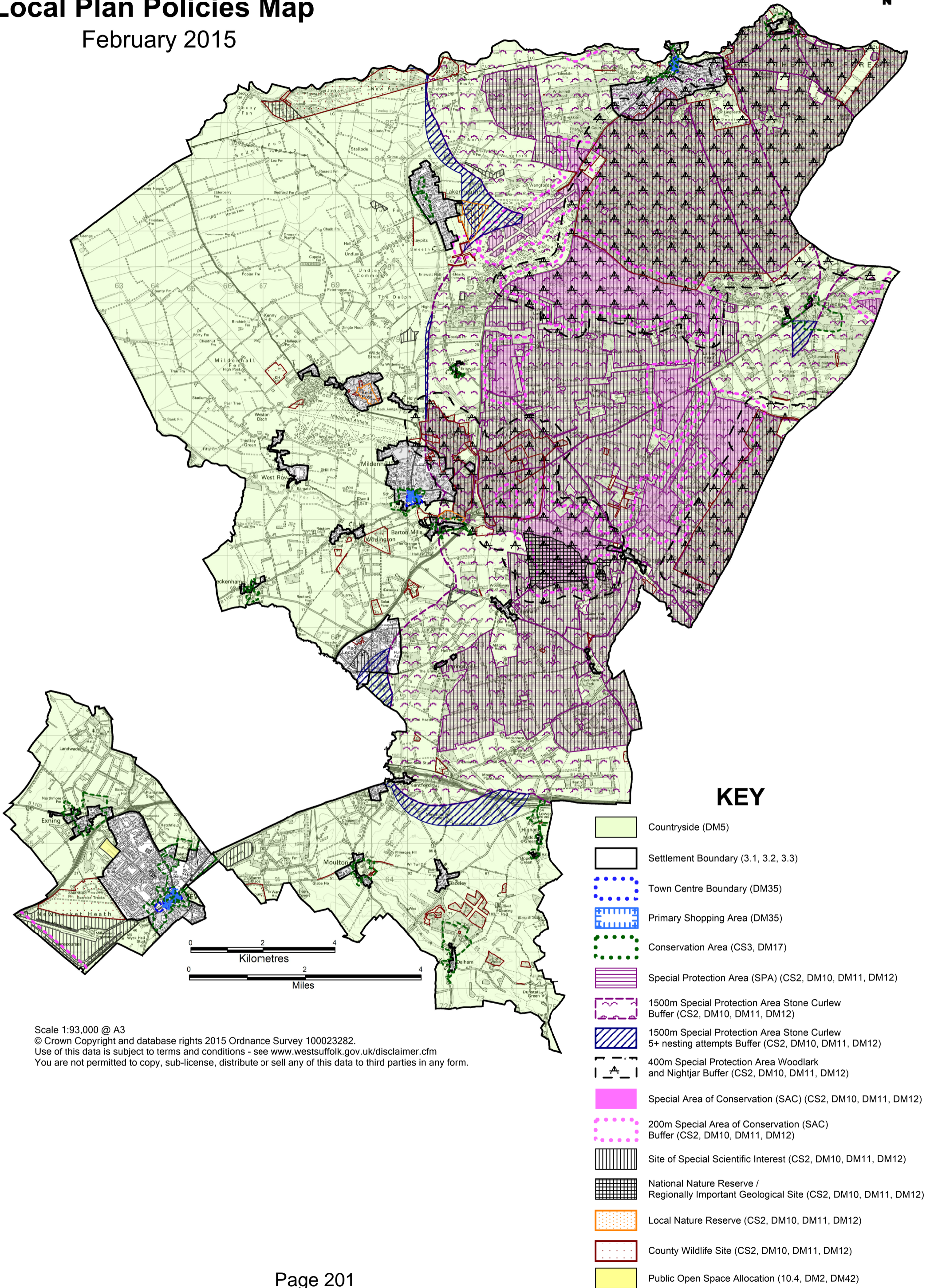
**Key**

-  Primary Shopping Area
-  Town Centre Boundary

















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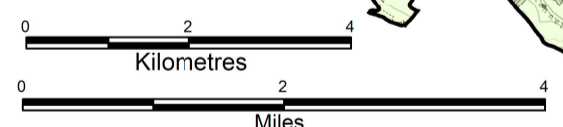
# Forest Heath District Council Local Plan Policies Map

February 2015



## KEY

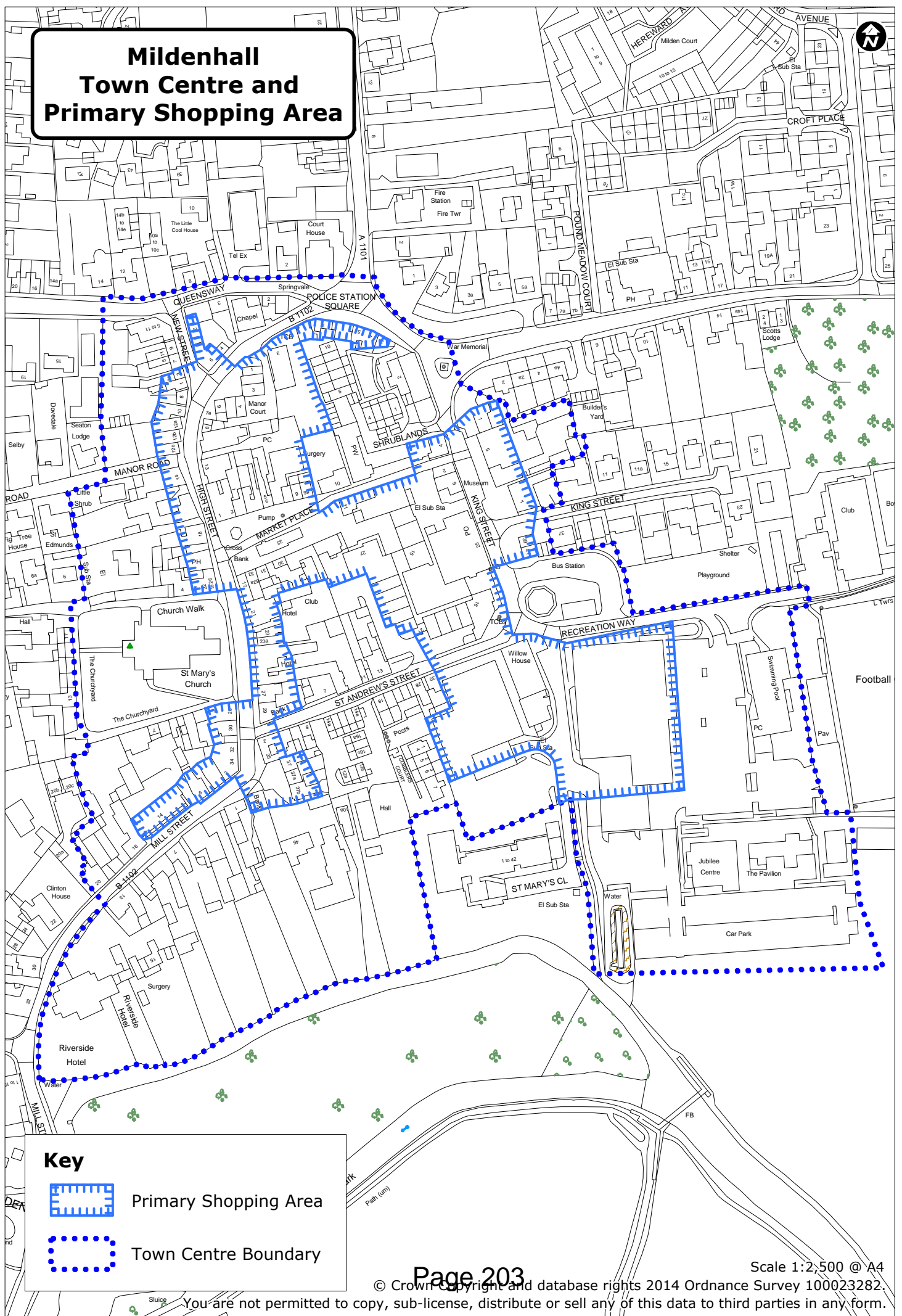
-  Countryside (DM5)
-  Settlement Boundary (3.1, 3.2, 3.3)
-  Town Centre Boundary (DM35)
-  Primary Shopping Area (DM35)
-  Conservation Area (CS3, DM17)
-  Special Protection Area (SPA) (CS2, DM10, DM11, DM12)
-  1500m Special Protection Area Stone Curlew Buffer (CS2, DM10, DM11, DM12)
-  1500m Special Protection Area Stone Curlew 5+ nesting attempts Buffer (CS2, DM10, DM11, DM12)
-  400m Special Protection Area Woodlark and Nightjar Buffer (CS2, DM10, DM11, DM12)
-  Special Area of Conservation (SAC) (CS2, DM10, DM11, DM12)
-  200m Special Area of Conservation (SAC) Buffer (CS2, DM10, DM11, DM12)
-  Site of Special Scientific Interest (CS2, DM10, DM11, DM12)
-  National Nature Reserve / Regionally Important Geological Site (CS2, DM10, DM11, DM12)
-  Local Nature Reserve (CS2, DM10, DM11, DM12)
-  County Wildlife Site (CS2, DM10, DM11, DM12)
-  Public Open Space Allocation (10.4, DM2, DM42)



Scale 1:93,000 @ A3  
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# Mildenhall Town Centre and Primary Shopping Area



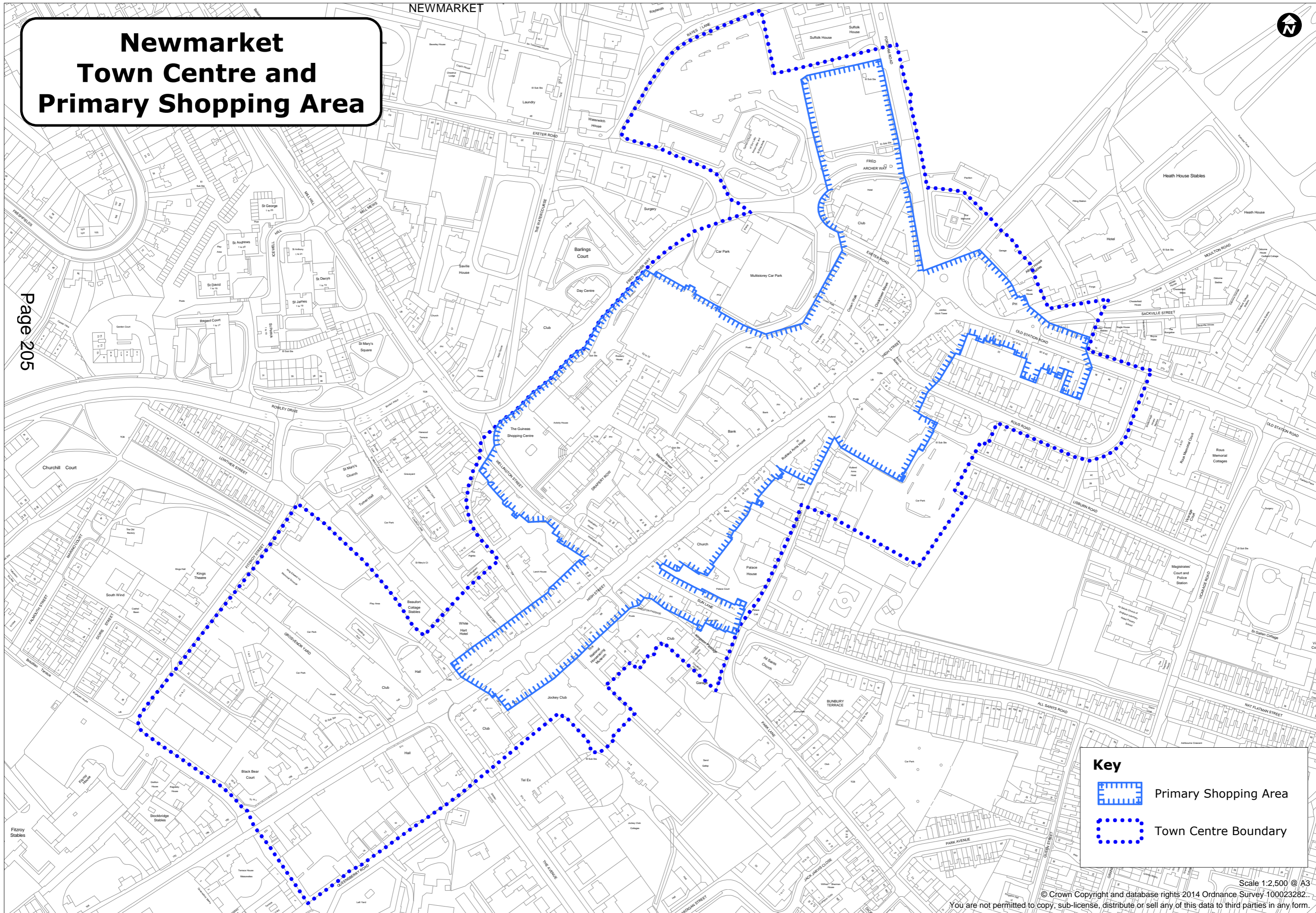
**Key**

-  Primary Shopping Area
-  Town Centre Boundary

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# Newmarket Town Centre and Primary Shopping Area



**Key**

-  Primary Shopping Area
-  Town Centre Boundary

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