



The Planning Inspectorate

Report to Forest Heath District and St Edmundsbury Borough Councils

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

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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

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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.

LEGAL REQUIREMENTS	
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
3 Sustainable Growth, Development and Design Principles			
MM1	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>d) produce a landscape/townscape character appraisal prior to or as part of any concept statement and/or master plan;</p> <p>.....</p> <p><u>fe) provide, in line with national and detailed local policies (including policies in this DPD Plan),</u></p> <p><u>gf) incorporate sustainable design and construction measures and energy efficiency measures as required by Policies DM7 and DM8 of this DPD 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>
MM2	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 determined <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 for which separate development briefs will be prepared, including plans to show in detail how the design principles will be implemented;</p> <p>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;</p>
<p>MM3</p>	<p>13</p>	<p>DM4 Development Briefs</p>	<p><i>Delete and add to the first paragraph, and add a new second paragraph as follows:</i></p> <p>Proposals for development schemes identified <u>Exceptionally a Development Brief will be required for a proposal which is justified</u> 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</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> required to be the subject of a</p> <p><u>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</u></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>
MM4	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. Any new sustainable development that recognises the intrinsic character and beauty of the countryside will be permitted where: <u>A new or extended building will be permitted, in accordance with other policies within this DPD, where it is for:</u></p> <p>a) there is a justification for the development to be located in the countryside, including a demonstration of the sustainability of the proposal;</p> <p>b) it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);</p> <p>c) there will be no significant detrimental impact on the historic environment, visual amenity of the landscape or nature conservation and biodiversity interests; and</p> <p>d) there will be no significant adverse impact on the local highway network.</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>A new or extended building will normally be permitted, in accordance with other policies within this DPD, where it is for:</p> <p>e) purposes directly related to agriculture or forestry;</p> <p>f) affordable housing for local needs in accordance with other policy;</p> <p>g) development relating to the horse racing industry in accordance with other policy;</p> <p>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;</p> <p>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;</p> <p>j) small scale residential development of a small undeveloped plot, in accordance with policy DM28 of the DPD; or</p> <p>k) the replacement of an existing dwelling on a</p>
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			<p>one for one basis where it can be demonstrated that:</p> <p>i) the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,</p> <p>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.</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"> • <u>it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);</u> • <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> • <u>there will be no significant adverse impact on the local highway network.</u>
MM5	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 the proposed development will address the following, both within buildings and open spaces: <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>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.</p>
MM6	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 <u></u></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"> • <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> • <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> <p>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:</p> <ul style="list-style-type: none"> • 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). <p>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.</p> <ul style="list-style-type: none"> • <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> • <u>The cost of achieving an Excellent rating can be demonstrated to compromise the</u>
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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>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.</p> <p>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.</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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MM7	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>Policy DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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			<p>incorporated into Masterplans or Development Briefs.</p> <p>Note: Information, advice and supporting guidance will be provided by guidance leaflets on the planning pages of the councils' websites.</p>
MM8	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>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:</p> <p>h) the proposal represents the highest standards of siting and design appropriate to the location.</p>
MM9	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 normally be granted <u>be permitted</u> where..."</p> <p><i>Delete criterion a) as follows and re-number subsequent criteria:</i></p> <p>a) A full justification has been made to satisfy the local planning authority that there is a need for the proposed development; and</p> <p><i>renumber policies in criterion d) and the policies set out in this criterion as follows:</i></p>

			<p>d) c) there will be no significant detrimental effect upon biodiversity interests in accordance with Policies DM1110, DM1211 and DM1312;</p> <p><i>Add to the end of d) criterion (i):</i></p> <p><u>".....townscape or upon the setting of heritage assets".</u></p> <p><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></p> <p>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:</p> <p>i) no suitable alternative location outside the designated area that would enable development to be sited and designed with the least harm; and</p> <p>ii) the proposal represents the highest standards of siting and design appropriate to the location. and</p> <p>iii) wWith regards to full planning permission, if the local planning authority feel <u>considers</u> that a power supply or connection</p> <p><i>Add new paragraph to the policy before the final paragraph that starts "Should the need":</i></p> <p><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>
4 The Natural and Historic Environment			
MM10	27	DM11: Impact of Development on Sites of Biodiversity and Geodiversity Importance	<p><i>Renumber policy, and amend the second paragraph of DM11 to read as follows:</i></p> <p>Policy DM1110</p> <p>Impact of Development on Sites of Biodiversity and Geodiversity Importance</p>

			<p>.....</p> <p>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.</p> <p><i>Delete the third paragraph of DM11 and replace with the following text:</i></p> <p>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.</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>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.</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>MM11</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 DM12<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) facilitate the survival of the protected species; b) a) reduce disturbance to a minimum; and <u>b) (i) maintain the population identified on site;</u> <u>or</u> 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>MM12</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 DM13<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 CIL (or S106 agreements prior to 2014), towards management <u>projects</u> and/or monitoring of visitor pressure and urban effects on key biodiversity sites.</p>
MM13	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 DM14<u>13</u></p> <p>Landscape Features</p> <p>Areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the proposal <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> Gaps between settlements and their settings and the nocturnal character of the landscape, must be maintained.</p> <p>.....</p> <p>Where this is not possible development will not normally be permitted.</p>
MM14	31	DM15 Safeguarding from Hazards	<p><i>Renumber policy, and add to title and to the beginning of the policy:</i></p> <p>Policy DM15 <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"> • <u>The natural environment, general amenity and the tranquility of the wider rural area;</u> • <u>Health and safety of the public;</u> • <u>Air quality;</u> • <u>Surface and groundwater quality;</u> • <u>Land quality and condition; or</u> • <u>Compliance with statutory environmental quality standards.</u> <p><i>.....continue with policy wording as existing.</i></p>
<p>MM15</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 DM16<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 only be permitted where they would:</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>a) b) contribute to b) c) are not be detrimental to the buildings' character or any architectural, archaeological, artistic or historic features e) d) are be of an appropriate scale,</p> <p><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>
MM16	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 only be supported <u>permitted</u> where they:</p> <p>a) do not have a significantly detrimental effect upon the historic fabric, design, materials, elevational treatment and ornamentation of the original building;</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>b) c) will not entail an unacceptable level of loss, damage or covering of original features; and</p> <p>e) d) have regard to will not have a significantly adverse impact upon the setting, plot layout and boundary features, or</p> <p>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.</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>
MM17	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 DM18<u>17</u></p> <p>Proposals for development within, adjacent to or visible from a Conservation Area must <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 must <u>should</u> demonstrate how the key characteristics of the character area have been addressed.</u></p> <p>.....</p> <p>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.</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>
MM18	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 DM19<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 only where the proposal will protect the special <u>significance architectural or historic interest</u> of the building,</p> <p>.....</p> <p>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.</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>
MM19	39	DM21 Archaeology	<p><i>Renumber policy and add "adequate" in criterion c) as follows:</i></p> <p>Policy DM21<u>20</u></p> <p>c) the <u>adequate</u> recording of the heritage asset</p>
5 Housing and Homes			
MM20	41	DM23 Residential Design	<p><i>Renumber policy, and add to criterion (c) as follows:</i></p> <p>Policy DM23<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>
MM21	42	DM24 Special Housing Needs	<p><i>Renumber policy, and amend first and final paragraphs as follows:</i></p> <p>Policy DM24<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 supported <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 accommodationwill be supported <u>permitted</u> providing a need can be clearly demonstrated</p>
MM22	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 DM25<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>i) it is subordinate in scale and proportion to the original dwelling; and</p> <p>ii) it would not create or be capable of becoming a separate dwelling.</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>f) the annexe is not capable of being used as a separate dwelling; and.</p> <p>g) f) the size, scale, location and design relates satisfactorily to the existing dwelling and its curtilage, and to the wider surrounding area.</p>
MM23	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 DM26<u>25</u></p> <p>Extensions to Domestic Gardens within the Countryside</p> <p>.....</p> <p>Small, unobtrusive extensions of residential curtilages.... may be approved<u>will be permitted</u> where....</p>
MM24	46	DM28 Housing in the Countryside	<p><i>Renumber policy, and amend first and final paragraphs as follows:</i></p> <p>Policy DM28<u>27</u></p> <p>Housing in the Countryside</p> <p>Proposals for new dwellings may <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>

			that is an essential feature <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.
MM25	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 DM29<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 where there are special circumstances. <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>
6 Sustainable Economic and Tourism Development			
MM26	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 District and local employment job growth requirements; or</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; or</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; or</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; or</p> <p>e) it is for an employment related support facility such as employment training /education, workplace crèche or industrial estate café; or</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>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.</p>
MM27	52	DM32 Business and Domestic Equine Related Activities	<p><i>Add to the Title of DM32; add "in the countryside" in the 1st 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>
MM28	54	DM33 Re-Use or Replacement of Buildings in the Countryside	<p><i>Delete and insert the following in the 1st 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 considered favourably permitted <u>permitted</u> where proposals comply with other policies in the Core Strategy and in this DPD <u>and other adopted Local Plans:</u></p> <p>.....</p> <p>v) residential use, where justified, in accordance with Policy DM2928</p>
MM29	56	DM34 Tourism Development	<p><i>Delete the following from the 1st sentence of DM34:</i></p> <p>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 <u>provided that:</u></p>

7 Retail, Community facilities and Leisure			
MM30	59	DM35 Proposals within the Town Centre Boundaries	<p><i>Insert and delete as follows:</i></p> <p>Proposals for main town centre uses within the Town Centre Boundaries</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) offices commercial uses; vi health facilities and other community uses; vii) visitor accommodation; 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 retail shops (A1) 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>
MM31	61	DM36 Protection of Local Centres	<p><i>Amend the title and amend as follows:</i></p> <p>Protection of Local Centres</p> <p><u>The local planning authority will seek to maintain a mix of uses in local centres which could include:</u></p> <p>i. <u>leisure and recreation;</u> ii. <u>health and community facilities;</u> iii. <u>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> iv. <u>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 supported <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 DPD <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>
MM32	62	DM37 Public Realm Improvements	<p><i>Amend Policy DM37 as follows:</i></p> <p>Proposals for new major development or redevelopment in the towns <u>and Key Service Centres</u> will, where justified <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>
MM33	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>Advertisements unrelated to the site on which they are displayed will not normally be permitted.</p>
MM34	64/65	DM41 Community Facilities and Services	<p><i>Delete and insert the following wording to the 1st and 2nd and final paragraphs of DM41:</i></p> <p>The provision and enhancement of community facilities and services will be supported <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>Where a local need has been identified <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>
MM35	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 <u>supported permitted</u> subject to compliance with other Policies in the DPD <u>this and other adopted Local Plans</u>.</p> <p>.....</p> <p>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.</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 DPD <u>Plan</u>.</p>
<p>MM36</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>Leisure <u>and Cultural</u> Facilities</p> <p>Planning applications for new leisure <u>or cultural</u> facilities or improvements and extensions to existing facilities, will normally 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 commercial benefits in terms of creating sustainable employment <u>the proposal</u> outweigh the loss of open countryside.</p>
8 Transport			
MM37	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> dDevelopers 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 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.</p> <p><i>*Indicative thresholds for application of transport assessments.....</i> <i>..... - Appendix B, DCLG-Department for Transport Guidance March 2007,</i></p>
MM38	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 will generally <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 for economic development proposals in rural</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>
9 Forest Heath Specific Policies – Horse Racing			
MM39	73	DM47 Development Relating to the Horse Racing Industry	<p><i>Amend and insert the following:</i></p> <p>Development relating to the hHorse rRacing iIndustry will be permitted provided that:</p> <p>a) there is satisfactory evidence of the need for and scale of the development <u>the business viability, functional need for and scale of the proposal;</u></p> <p>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 <u>the development is designed to make a positive contribution to local character and distinctiveness;</u></p> <p>c) 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</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) 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.</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>
MM40	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>
MM41	74	DM49 Re-development of Existing Sties Relating to the Horse Racing Industry	<p><i>Amend the policy as follows:</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</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>
MM42	76	DM50 Securing the Restoration of Horse Racing Related Historic Assets	<p><i>Delete policy as follows:</i></p> <p>Policy DM50</p> <p>Securing the Restoration of Horse Racing Related Historic Assets</p> <p>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:</p> <p>a) the development is located within (or adjacent to) a settlement boundary;</p> <p>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;</p> <p>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;</p> <p>d) that it will secure the re-establishment of a historic racing yard with an appropriate and enforceable legal mechanism; and'</p> <p>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.</p>
MM43	77	DM51 Horse Walks	<p><i>Renumber policy, amend and insert wording as follows:</i></p>

			<p>Policy DM51<u>50</u></p> <p>Horse Walks</p> <p>The District council will encourage the protection <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>
10 St. Edmundsbury Specific Policy – Rural Housing Exception Sites			
MM44	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 DM52<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>
Maps – contained in Appendix 2 of this report			
<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>			
MM45		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>
MM46		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>
MM47		Newmarket Town Centre	<i>New boundary to denote Primary Shopping Area as an area Key and title amended accordingly.</i>
MM48		Mildenhall Town Centre	<i>New boundary to denote Primary Shopping Area as an area. Key and title amended accordingly.</i>
MM49		Brandon Town Centre	<i>New boundary to denote Primary Shopping Area as an area. Key and title amended accordingly.</i>