

Sudbury Town Neighbourhood Plan

Sudbury Town Neighbourhood Plan

Report of Examination

Report to London Borough of Brent

by the Independent Examiner:

Paul McCreery, B.SC., M.Phil, FRTPI.

13th May 2015

Summary

1. From my examination of the submitted Sudbury Town Neighbourhood Plan (the Plan) and its supporting documents, including the representation made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.
2. In summary the Basic Conditions are that the Plan must:
 - Have due regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and otherwise be compatible with, European Union and European Convention on Human Rights obligations.
3. I have also concluded that:
 - The Plan has been prepared and submitted for examination by a qualifying body – Sudbury Town Neighbourhood Forum;
 - The plan has been prepared for an area properly designated: and does not cover more than one neighbourhood plan area;
 - The plan does not relate to “excluded development ”;
 - The plan specifies the period to which it has effect – to 2026; and
 - With the modifications I have recommended that the policies relate to the development and use of land for a designated neighbourhood area.
4. I recommend that, once modified to meet all relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.
5. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum should be the same as the Neighbourhood Plan Area.

1.0 Introduction

- 1.1 Neighbourhood planning provides a welcome opportunity for communities to directly shape the future of the places where they live and work and to deliver the sustainable development they need.
- 1.2 The focus of the neighbourhood plan is Sudbury Town Centre. The Plan area includes Barham Park to the south-east; Vale Farm to the north; and Butler's Green and the Maybank open space to the west.

2.0 Appointment of the Independent Examiner

- 2.1 I have been appointed by Brent Council with the agreement of the qualifying body, Sudbury Town Neighbourhood Forum, to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).
- 2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Neighbourhood Plan. I am a chartered town planner with over thirty-five years' experience in planning and have worked in both the public and private sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

- 3.1 The examiner must assess whether the Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.2 The basic conditions are:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservations of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.
- 3.4 In examining the Plan, I am also required, under Paragraphs 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
 - The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
 - The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 3.5 The examiner must then make one of the following recommendations:
- The Plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - The Plan can proceed to a referendum subject to modifications or
 - The Plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 3.6 If the Plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.
- 3.7 If the plan goes forward to a referendum and more than 50% of those voting votes in favour of the Plan then it is made by the relevant local authority, in this case Brent Council. The Plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

4.2 Qualifying body

Sudbury Town Neighbourhood Forum is a qualifying body able to lead the preparation of a neighbourhood plan. This complies with this requirement.

4.3 Plan Area

Sudbury Town Neighbourhood Forum was designated as a neighbourhood area on 13th December 2012 by Brent Council. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

4.4 Plan period

A neighbourhood plan must specify the period for which it is to have effect. The Plan clearly indicates within the document itself (Vision and Objectives, page 9) that it covers the period to 2026. The Plan therefore meets this requirement.

4.5 Excluded development

The Plan does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

4.6 Development and use of land

Neighbourhood plans often contain aspirational policies that signal the community's priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land. The Sudbury Town Neighbourhood Plan (the Plan) differentiates between policies and aspirations. This is clearly explained at the outset (Structure of the Neighbourhood Plan, page 13)

4.7 Subject to the contents of this report, which recommends some modifications be made to ensure that the policies in the Plan meet the basic conditions, this requirement can satisfactorily be met.

5.0 The examination process

- 5.1 I commenced preparation for the examination of the plan in April 2015 following my appointment and briefing with the Plan documents.
- 5.2 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or to give a person a fair chance to put a case.
- 5.3 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
- 5.4 I am satisfied that I am in a position to properly examine the Plan without the need for a hearing. None of the parties have requested a hearing.
- 5.5 I carried out an unaccompanied visit to the area on Thursday 23rd April 2015 to familiarise myself with the area and I visited all the sites referred to in the Plan.

6.0 The Examination documents

- 6.1 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulation, the National Planning Policy Framework and the Planning Policy Guidance) and the development plan, I have had regard to the following relevant documents that were furnished to me:
 - Sudbury Town Neighbourhood Plan – Draft Final, July 2014
 - Statement of Basic Conditions, July 2014
 - Consultation Statement, July 2014
 - Representation Made in Accordance with Regulation 16
 - Plan Area Statement, July 2014
 - Strategic Environmental Assessment Screening Report (included in Appendix B of the Statement of Basic Conditions).

7.0 Compliance with the basic conditions

7.1 National policy advice

The main document that sets out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan to positively support local development.

7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies. (NPPF, paragraph 184)

7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17)

7.4 The Basic Conditions Statement (at paragraph 2.2.3, page 11) explains how the plan policies have been informed by the guidance set out in the Framework. The following topics are identified as most relevant:

- Ensuring the vitality of town centres;
- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design; and
- Promoting healthy communities.

The Basic Conditions Statement reviews each of these topics in detail and explains how the Plan achieves each of these five important elements of national policy. The Plan makes reference to both the Framework and Planning Practice Guidance in this respect.

7.5 I am satisfied that the Neighbourhood Plan has appropriate regard to national policies and advice, subject to the modifications set out in this report being made.

7.6 Sustainable development

The Basic Conditions Statement takes each of the three sustainability objectives in turn and explains how the Plan will meet these objectives. The

Basic Conditions Statement reviews the extent to which the plan can contribute to each of the following objectives in detail:

- | | |
|-------------|--|
| Social | <ul style="list-style-type: none">- Prosperity and Social Inclusion- Health and Wellbeing- Education and Skills- Housing- Crime Prevention and Community Safety- Community Identify- Accessibility |
| Environment | <ul style="list-style-type: none">- Traffic- Air Quality- Biodiversity- Landscape and Townscape- Historic Environment |
| Economic | <ul style="list-style-type: none">- Growth- Employment- Regeneration- Investment- Efficient Movement |

7.8 The Basic Conditions Statement (paragraph 3.1.2, page 23) concludes that the Plan will make a positive contribution to all relevant borough wide sustainability objectives. I agree with that conclusion and I am satisfied that the Neighbourhood Plan will make a positive contribution to the achievement of sustainable development, subject to the modifications recommended in this report.

The Development Plan

7.9 A basic condition is that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan. The Framework (at paragraph 184) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.

7.10 The Basic Conditions Statement, at paragraph 4.1.1 (page 24), lists the following four emerging and adopted London-wide and Brent planning policy documents.

- The London Plan – Revised Early Minor Alternations (2013)
- The London Plan – Draft Further Alternations (2014)

- Brent Core Strategy (2010)
 - Saved Unitary Development Plan (UDP) Policies (2004)
- 7.11 In terms of the London Plan the Basic Conditions Statement identifies 13 policies which are relevant to the Plan. The Statement then reviews each of these policies in turn to identify the extent which the Plan is able to contribute towards the achievement of each policy.
- 7.12 The Basic Conditions Statement (paragraph 4.3.1, p.27) states that Brent's Local Plan comprises a number of documents including:
- The Core Strategy (2010)
 - The Site Specific Allocations DPD (2011)
 - The saved policies of the Unitary Development Plan (UDP) (2004)
- 7.13 The Basic Conditions Statement (paragraph 4.3.5, pages 28-29) views the 12 Core Strategy Objectives and explains how the Plan is able to respond to them.
- 7.14 The Basic Conditions Statement (at paragraphs 4.3.6-4.3.12) also reviews the following four Core Strategy Policies:
- Policy CP 16: Town Centres
 - Policy CP 17: Protecting and enhancing the suburban character of Brent
 - Policy CP 18: Protection of open space, sports and biodiversity
 - Policy CP 23: Protection of existing and provision of new community and cultural facilities
- 7.15 The Statement explains how the Plan is compatible with these policies.
- 7.16 So far as the Site Specific Allocations DPD is concerned, the Basic Conditions Statement identifies two site allocations within the Plan area, Vale Farm Sports and Barham Park housing development. The first of these seeks improvement of indoor and outdoor sports and recreation facilities (site 23) and on the second the development has been delivered. The Plan supports the allocation at Vale Farm.

- 7.17 The Basic Conditions Statement identifies 6 policies within the saved policies of the 2004 UDP. The Statement (paragraphs 4.3.16 – 4.3.23, pages 31-32) explains the extent to which the Plan is compatible with these saved policies.
- 7.18 I am satisfied that the Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan, subject to the modifications set out in this report being made.

EU Obligations

- 7.19 The Neighbourhood Plan has been screened for Strategic Environmental Assessment (SEA) by the local planning authority. It has not been considered necessary to undertake SEA.
- 7.20 There are no habitats that would trigger Habitats Regulations Assessment (HRA) and from the context and submitted material, I have concluded that the Plan would not be likely to have a significant effect on a European Site.
- 7.22 I am satisfied that the Neighbourhood Plan is compatible with EU obligations.
- 7.23 I have also considered whether the Plan complies with the European Convention on Human Rights, particularly in terms of Article 8 (privacy): Article 14 (discrimination) and Article 1 of the First Protocol (property) under the meaning of the Human Rights Acts 1998 and I am satisfied that the Plan is compatible with all these provision.

8.0 Neighbourhood Plan preparation and public Consultation

- 8.1 The first meeting of the Sudbury Town Residents' Association (STRA) was held in February 2011. By December 2012 the Residents' Association had been awarded Neighbourhood Forum status by the London Borough of Brent.
- 8.2 The key consultation events in the preparation of the Neighbourhood Plan are recorded at paragraph 2.1.1 of the Consultation Statement as follows:-
- May 2012: A walk around of the town centre (called a Placecheck) to find out what people like and don't like about Sudbury Town, and what should happen in the area.
 - June 2012: Discussion with people at events such as the Diamond Jubilee parade through Sudbury Town.

- 2013-14: Printing and placement of banners in Sudbury Town to raise awareness of consultation events.
- 2013-2014: A media campaign to raise awareness, including an article in the Harrow Times.
- 2013-14: Creation of an active twitter feed to seek peoples' views, and regular updates, including questionnaires, on the STRA and Brent Council websites.
- April 2013: A briefing and Q&A with residents, at which people volunteered to act as 'community champions' to help raise awareness of the Plan and contribute their time and skills.
- April 2013: a presentation to and drop-in surgery for residents and businesses.
- April 2013: a workshop event to explore opportunities for change and improvement in the town centre.
- May 2013: A mail-shot to all residents, businesses and organisations in the study area (more than 3,000 questionnaires and briefing notes were sent out out).
- June 2013: Discussion with people at events such as the Big Lunch in Barham Park.
- November-December 2013: Preparation and consultation on an Options Report, including a series of exhibitions are Sudbury Town and representatives speaking to people in the local area. The consultation was open for a 4 week period. Approximately 300 questionnaires were completed during this consultation.
- January – March 2014: Preparation of a Regulation 14 Consultation Draft Neighbourhood Plan. This document was consulted on for a 6 weeks period, including an exhibition in Sudbury Town, in compliance with the Neighbourhood Planning Regulations. 103 questionnaires were completed during this consultation.

8.3 The results of the consultation on the January 2014 Regulation 14 Consultation Draft Neighbourhood Plan were generally supportive of the policies and proposals which were presented in the Plan.

- 8.4 In response to the Regulation 14 Consultation responses were received from four statutory consultees, The Environment Agency; The Coal Authority; Natural England and Network Rail. These comments are recorded in the Consultation Statement and make no adverse comments.
- 8.5 Brent Council made four specific comments and the Consultation Statement (at paragraph 2.2.9) explains how these comments have been taken on board by the emerging plan documentation.
- 8.6 The Draft Final Neighbourhood Plan was published in July 2014 and was subject to consultation under Regulation 16 of the Neighbourhood Plan Regulations. A total of six representations were received at this stage and once again these were either broadly supportive of the plan or did not make any adverse comments.
- 8.7 I am satisfied that the neighbourhood planning process has been open and engaging giving residents and businesses opportunities to become involved and influence plan making . Similarly it is clear that the final plan reflects the issues raised and that the policies contained in the Plan enjoy a strong degree of public support.

9.00 The Plan and its Policies

Local Green Space

- 9.1 At page 38 the Plan explains how the importance of local green spaces were highlighted during the consultation exercise. Reference is made to the NPPF (paragraph 76) which explains that in neighbourhood plans local communities can identify local green spaces for special protection.
- 9.2 Under the heading Butlers Green, the Plan, at page 38, identifies the potential to enhance this important local green space. Under the heading Barham Park, the Plan at page 39, notes the demand here for improving sports and play facilities. This theme is taken up in Aspiration 3 of the Plan. Aspiration 4 supports enhanced accessibility at Vale Farm Sports Centre.
- 9.3 Policy STNP 4 states that all existing open spaces with Sudbury Town will be protected and retained. I found Policy STNP4 confusing because it deals with the following three separate issues, protection of open space, Butlers Green and Barham Park.
- 9.4 The Plan has at, Figure 1, an annotated aerial photograph of the Neighbourhood Plan Area (page 6). The figure illustrates Sudbury Town and its open spaces but it is not drawn on an Ordnance Survey (OS) base. Figure

3 shows the uses within the Neighbourhood Plan area in diagrammatic form. This shows four separate areas of green space:

- Maybank Open Space;
- Vale Farm (including the London WASPS RUFC former ground);
- Barham Park, and
- Butler's Green.

Figure 6 (page 26) contains a plan showing on an OS base the existing and proposed extension to the High Street area but does not identify any open space, nor does it extend to cover the entire plan area.

9.5 I have concluded that the Plan, as currently drafted does not meet the requirement of the NPPF, paragraph 17, that plans should facilitate decisions on planning application with a 'high degree of predictability and efficiency'. The reasons for this conclusion are as follows:-

- The Plan, at page 38, refers to the importance of local green spaces and makes reference to the NPPF (paragraph 76) stating that local communities will be able to make such designations. Butlers Green is defined in the supporting text (page 38) as an important local green space. The relevant policy (STNP 4) does not, however, define the extent of these areas nor formally include them within a Local Green Space designation identified in an OS based policies map;
- The Plan refers to the importance of Butlers Green and Barham Park but at no point are these important open spaces (and others) defined on an OS based policies map;
- Some policies (such as STNP4) deal with more than one issue. The fact that the Plan numbers, rather than names, the policies does not help make it clear what each policy aims to achieve.

9.6 I have concluded that the Plan, as currently drafted, fails to meet the Basic Condition that it should have regard to national policies and advice in this respect.

9.7 I therefore recommend as follows:-

- The Plan should have an OS based policies map;

- Each Policy should be identified by a name rather than a number and each policy should deal with only one single policy issue;
 - That policies map should identify areas of Local Green Space within the Plan area;
 - A new policies should be created to list the identified areas of Local Green Space, with reference to the OS based policies map, and contain an appropriate policy basis for their long term protection.
- 9.8 In my opinion the four areas shown as Green Spaces on Figure 3 (page 18) should be identified as Local Green Space. These areas are also shown on the existing Brent Policies map on an OS base.
- 9.9 Policy STNP 4 should be deleted and replaced by three new separate policies dealing with Local Green Space, Butlers Green and Barham Park. The wording for the new Local Green Space Policy should be as follows:-

Policy LGS1 (Local Green Space)

Sudbury Town Neighbourhood Plan designates Local Green Spaces in the following locations as shown on the Policies Map:-

LGS1 Butlers Green;

LGS2 Barham Park;

LGS3 Vale Farm;

LGS4 Maybank Open Space.

These areas will be given long term protection and proposals for development which is not ancillary to the use of the land for recreational purposes will be resisted.

POLICY STNP 1

- 9.10 Policy STNP 1 aims to increase the variety of uses on the High Street. It is important that the policy should be clearly drafted to accord with NPPF, paragraph 17, so that the Plan provides a framework within which decisions on planning applications can be made with a high degree of predictability and

efficiency. The Plan would be much more efficient in terms of its future use, if this policy were to be named, rather than given a number.

- 9.11 I have already made the Recommendation that the Plan should be modified by the inclusion of an OS based Policies Map. That Map should define the extended town centre.
- 9.12 There is an inconsistency between how the threshold for hot-food uses and betting shop uses are treated in policy STNP 1. I therefore recommend additional wording be added in relation to betting shop uses to remove any inconsistency.
- 9.13 It is not possible, in planning terms to differentiate between local retail and other retail uses. I therefore recommend the word 'local' be deleted from the start of the second paragraph in Policy STNP 1. The Policy should be given the name 'Town Centre Uses'.
- 9.14 I recommend that Policy STNP 1 be re-drafted as follows:-

Policy STNP-1 Policy TCU1: Town Centre Uses

Proposals for new development and changes of use within the town centre, as shown on the Policies Map, should provide active ground floor uses that contribute to the diversity of the High Street and enhance the vitality and viability of the area. On upper floors, uses that complement the function of High Street will be supported, including residential use (C3 use).

Local Retail (A1 use), cafes (A3 use), drinking establishments (A4 use) and community facilities (D1 or D2 uses) will be permitted along the High Street. Proposals that result in the loss of active frontage on the High Street will be resisted.

Proposals for new hot food takeaways (A5 use) and betting shops will be assessed in terms of their impact on the diversity of the High Street and local amenity.

The proportion of units occupied by hot-food takeaways (A5 use) along the defined High Street area should not exceed 6%. The total proportion of High Street units occupied by hot-food takeaways (A5 use) currently exceeds this threshold. Proposals for new hot-food takeaways will not be permitted whilst this threshold is exceeded. Should the number of hot-food takeaways and associated High Street frontage fall below the threshold in the future then proposals for new-hot food takeaways will be considered on this merits in accordance with policies established in the neighbourhood plan, wider national and local policies.

The proportion of development frontage occupied by betting shops (currently A2-use) along the defined High Street area should not exceed 4% of the total frontage. The total High Street frontage currently occupied by betting shops is 5%. Proposals for new betting shops will not be permitted whilst this threshold is exceeded. Should the number of betting shops and the associated High Street frontage fall below the threshold in the future then proposal for new betting shops will be considered on their merits in accordance with policies established in the neighbourhood plan, wider national and local policies.

Proposals that result in fewer than two non-A5 units between takeaways will not be permitted. Proposals that result in fewer than four units in non-betting shop use between betting shops will not be permitted.

POLICY TNP 2

- 9.15 In order to broaden the scope of good practice guidance which may be used and to clarify the Plan in accordance with the Framework, I recommend that Policy STNP 2 be re-drafted as follows:-

Policy STNP 2 Policy PR1: Public Realm

Any further public realm works in Sudbury Town should be of the same quality of and follow the style of work already undertaken along the High Street, providing a consistent and unified appearance across the town centre. Public realm schemes should also be prepared in accordance with the guidance and principles set out in the Brent Placemaking guide, or any subsequent other appropriate good practice guidance.

POLICY STNP 3

- 9.16 As currently drafted Policy STNP 3 could be taken to welcome any proposed 'improvement' to existing shop fronts. It is also appropriate to broaden the scope of good practice guidance which may be used, in accordance with the NPPF. I therefore recommend Policy STNP 3 be re-drafted as follows:-

Policy STNP 3 Policy SFS1: Shop Fronts and Signage

Proposed Well-designed improvements to existing shop fronts will be welcomed. Proposals for new shop fronts should be designed to be well proportioned and enhance the character of Sudbury Town. Proposals for new or altered shop fronts should be prepared in accordance with the guidance and principles set out in ~~the Brent Council Shopfront and Shop Sign Supplementary Planning Guidance~~, or any subsequent other appropriate good practice guidance. ~~To be published at a later date.~~

The use of shop signage on pavements should be limited to reduce clutter within Sudbury Town. There is a presumption against general advertising on premises along the High Street unless it is directly associated with the business that take place on the premise. Any new signage on pavements that is associated with the business of individual premises should have due consideration for the character and design of the street furniture in the wider area and should seek to enhance the public realm.

Policy STNP 5

9.17 *Policy STNP 5 deals with the developer contributions.*

9.18 *In order to comply with paragraph 17 of the Framework, I recommend that this policy be given a name rather than a number and that some explanation be given as to the term CIL.*

POLICY STNP 5 Policy DC1: Developer Contributions

Funds collected under the provisions of the Community Infrastructure Levy (CIL) will be targeted at the following schemes, which are listed in order of priority:

1. *Contributions to an expanded public realm scheme.*
2. *Contributions towards new community facilities, such as new library space.*
3. *Contributions towards road improvements, including new cycle routes and facilities, as well as safe pedestrian crossings and the potential remodelling of the Bridgewater Road roundabout.*
4. *Contributions towards a shopfront improvement scheme and associated guide.*

POLICY STNP 6

9.19 NPPF at paragraph 17 requires neighbourhood plans to provide a framework within which decisions can be made with a high degree of efficiency. Policy STNP 6, as currently drafted, relies on a reference to the current Annex to the NPPF. Policy STNP 6 also deals with Vale Farm which I consider should be the subject of a separate new policy. In my opinion the Plan would be become an efficient framework for decision making if the policy were to contain the relevant definition of main town centre uses as follows;-

Policy STNP-6 Policy TCD1: Town Centre Development

High quality new developments will be encouraged within Sudbury Town where appropriate. In particular, the redevelopment of inappropriate uses within the town centre will be encouraged. Inappropriate uses are those which have a negative impact on amenity and are not included in the following list of main town centre uses:-

- retail development (including warehouse clubs and factory outlet centres);
- leisure,
- entertainment facilities,
- the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices; and
- arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Developments within the town centre should comprise an appropriate active town centre use at ground floor levels, in line with Policy TCU1, and residential units (C3 use) or offices (Use Class B1) on upper floors.

~~*The community will promote and support development that results in the strengthening of Vale Farm as a regional centre for sports excellence. Improvements to Vale Farm should not result in the loss of any green or open space. Change of use and development other than for uses which support recreational, sporting and amenity use will not be permitted at Vale Farm.*~~

Butlers Green

9.20 Butlers Green is dealt with in the central section of Policy STNP4. In order to comply with paragraph 17 of the Framework I am recommending that Butlers Green should be subject to its own separate, named policy as follows:-

Policy BG1: Butlers Green

Butlers Green is defined in Policy LGS1 as an area of Local Green Space. The reuse, or appropriate redevelopment, of the redundant toilet block on Butlers Green to provide a new community use will be encouraged. The preferred developments for the Butlers Green redundant toilet blocks are as follows:

- Refurbishing and using the existing buildings for alternative uses which complement the function of the open space (empty or vacant space or buildings used on a temporary, short-term basis), such as a cafe in the park (Use Class A3), or a pop-up shop (Use Class A1) or a new community facility (Use Classes D1 and D2).
- Reusing the space for temporary activities, possibly including a weekly farmers market or similar and summer events, including the screening of films at an outdoor cinema for example.

Should the redundant toilet block be demolished and redeveloped, any replacement development should be of a high quality design that enhances the character of Butlers Green and Sudbury Town. The Development should take into consideration the open character of the wider public space and should not exceed the footprint of the existing buildings.

Any improvements to Butlers Green should be considered alongside an extension of the public realm scheme in order to help integrate the green space with the High Street.

Barham Park

- 9.21 The last two paragraphs of Policy STMP4 deal with Barham Park. In order to comply with paragraph 17 of the Framework, I am recommending that Barham Park should be subject to its own, separate, named policy as follows:-

Policy BP1: Barham Park

Barham Park is defined in Policy LGS2 as an area of Local Green Space. Proposals for the re-use of the existing Barham Park buildings to provide a new community facility (D1 or D2 Use) or any other use that would support and complement the function of the park will be supported.

Any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported.

Vale Farm

- 9.22 The last paragraph of Policy STNP 6 deals with Vale Farm. In order to comply with paragraph 17 of the Framework, I am recommending that Vale Farm should be subject to its own, separate named policy as follows:-

Policy VF1: Vale Farm

Vale Farm is defined in Policy LGS3 as an area of Local Green Space. The Plan supports development that results in the strengthening of Vale Farm as a regional centre for sports excellence. Improvements to Vale Farm should not result in the loss of any green or open space. Change of use and development other than for uses which support recreational, sporting and amenity use will not be permitted at Vale Farm.

10.0 Conclusions and recommendations

- 10.1 The Plan is a highly commendable document that will help to guide growth and sustainable development.. It is a credit to all those who have worked hard to produce such a readable and well- presented Plan. The Plan’s real strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of a very extensive engagement process. Where there has been some lack of clarity, it has been possible to recommend modifications.
- 10.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.
- 10.3 It will be necessary to make a number of consequential revisions to the supporting text of the Plan to accommodate the re-naming and re-arrangement of the Policies which I have recommended. It will also be necessary to accommodate the creation of several new policies to deal with specific individual topics or sites. I therefore recommend that all necessary consequential changes be made to the supporting text.
- 10.4 I have included at the Annex a number of comments on the Plan which do not impact on the Basic Conditions.
- 10.5 The text of the Plan will also need to be updated in several places to reflect the current stage in the planning process which has been reached.
- 10.6 I have concluded that:-
- The Plan has been prepared and submitted for examination by a qualifying body – the Sudbury Neighbourhood Forum;
 - The Plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
 - The Plan does not relate to ‘excluded development’;
 - The Plan specifies the period to which it has effect – to 2026, and
 - The policies relate to the development and use of land for a designated neighbourhood area.

- 10.7 I recommend that, once modified to meet all relevant legal requirements, the Plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements.
- 10.8 In recommending that the modified Plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the Plan relates. I have concluded that it should not; I recommend that the Referendum Area should be the same as the Neighbourhood Plan Area.

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Independent Examiner

Principal, PMC Planning.

May 2015.

ANNEX: COMMENTS NOT RELATED TO BASIC CONDITIONS

- A1 Page 19 4th paragraph, first line, delete 'study area' and insert 'plan area'.
- A2 Page 25 The Plan could include the date of the survey material which is used as the basis for the table.
- A3 Page 36 Third paragraph, fourth line, delete 'completion' and insert 'competition'.
- A4 Page 38 First paragraph, eight line, delete 'And' and insert 'Any'.
- A5 Page 41 In relation to Vale Farm, the Plan states that 'we do not believe a further policy is necessary in this Neighbourhood Plan'. The Plan, at page 47, contains Policy STNP 6 which deals with Vale Farm and I am recommending this be retained in a new 'Vale Farm Policy'. (Policy VF1: Vale Farm). The last sentence of the paragraph above the box marked Aspiration 4 (page 41) should therefore be modified.
- A6 It is a requirement of the SEA Regulations that the environmental bodies are consulted on an SEA screening opinion. The Plan documentation would be improved if the date and outcome of that consultation were to be included.