



Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan

Decision Statement

(The Neighbourhood Planning (General) Regulations 2012 – Regulation 18)

Erratum May 2022

The original version of the Decision Statement contained errors and the following changes have been made:

The text to be deleted from policy 'LAHS 6 Parking Provision for New Residential Developments' is: 'Unallocated visitor parking shall be provided in configured locations within the development at the rate of 0.25 spaces per dwelling.'

The addition of the text 'are of relevance' to the end of the second paragraph of supporting text for Policy LAHS3 is not necessary and has been removed as the Examiner has recommended modifications to this paragraph.

1. Summary

- 1.1 Following an independent examination, East Suffolk Council and the Broads Authority now confirm that the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum, subject to the modifications set out in section 3.

2. Background

- 2.1 Lound and Ashby, Herringfleet and Somerleyton Parish Councils, as the Qualifying Body, successfully applied for the Lound and Ashby, Herringfleet and Somerleyton Parishes to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The [Neighbourhood Area](#) was designated by (former) Waveney District Council and the Broads Authority on 14th September 2016.

- 2.2 The Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan was published by Lound and Ashby, Herringfleet and Somerleyton Parish Councils for pre-submission consultation (Regulation 14) between 23rd November 2020 and 26th February 2021.
- 2.3 Following the submission of the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan ([submission version](#)) to East Suffolk Council and the Broads Authority the Plan was publicised, and comments invited over an eight-week period commencing on 1st September 2021 to 13th October 2021.
- 2.4 East Suffolk Council and the Broads Authority, with the agreement of Lound and Ashby, Herringfleet and Somerleyton Parish Councils, appointed an independent examiner, Andrew Ashcroft BA (Hons) MA, DMS, MRTPI to review the Plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to Referendum.
- 2.5 The Examiner's Report received 1st February 2022 concluded that subject to modifications identified in the Report, the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan meets the basic conditions.
- 2.6 The Examiner recommends that subject to the modifications listed in the Report, the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan should proceed to referendum. He further recommends that the referendum area should be the same as the designated neighbourhood area, with there being no substantive evidence to demonstrate otherwise.
- 2.7 Following receipt of the Examiner's Report, legislation requires that East Suffolk Council and the Broads Authority consider each of the modifications recommended, the reasons for them, and decide what action to take. This is set out in the table below. Ahead of this consideration, the Examiner's Report and its findings have been subject to discussion between East Suffolk Council, the Broads Authority and Lound and Ashby, Herringfleet and Somerleyton Parish Councils.

3. Decision and Reasons

- 3.1 East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) and the Broads Authority (at the Planning Committee on 4th March 2022) have considered each of the modifications recommended and concur with the reasoning provided by the Examiner in his Report dated 1st February 2022. With the Examiner's recommended modifications, East Suffolk Council and the Broads Authority have decided that the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with provision made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

- 3.2 As a consequence, the submission version of the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.
- 3.3 East Suffolk Council and the Broads Authority have considered the referendum area as recommended by the Examiner and has decided there is no reason to extend the neighbourhood area for the purposes of referendum. The Referendum area will be the same as the designated Neighbourhood Area for the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan.
- 3.4 The list of modifications and actions required are set out in the following table. As a consequence of these changes the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan will be re-published and titled the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan (Referendum Version).



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Head of Planning and Coastal Management

Dated: 17 March 2022



Marie-Pierre Tighe
Director of Strategic Services

Dated: 04/03/2022

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>At the end of Para 1.7 add: <u>'The Plan period for the neighbourhood plan is 2014 to 2036. The neighbourhood area is shown on the map in Section 2 of this Plan'</u></p>	<p>For clarity and to meet the basic conditions.</p>	<p>Agree. Text added to para 1.7</p>
<p><u>Policy LAHS 1 Housing Mix</u> Delete the policy title: Policy LAHS 1 Housing Mix</p> <p>Replace the policy title with: <u>'Policy LAHS 1 Housing mix and size'</u></p> <p>Delete the Policy: Preference will be given to the provision of smaller scale 1, 2 and 3 bed dwellings within new developments.</p> <p>Replace the policy with: <u>'The mix of house sizes in development proposals should respond positively to identified up to date housing need in the neighbourhood area. Development proposals which include the provision of 1, 2 and 3 bed dwellings will be particularly supported.'</u></p> <p>At the end of paragraph 7.1.6 add: <u>'Policy LAHS 1 seeks to capture this important local consideration in a policy context. In general terms, it requires that the mix of housing proposals should reflect local housing need and offers specific support for the development of smaller houses. The policy should be read in the wider context of the development plans. It has been designed to supplement policy guidance where residential development is appropriate'</u></p>	<p>To ensure that new development proposals respond positively to housing need in the neighbourhood area in the way in which they would deliver a mix of housing sizes and can be applied in a flexible way throughout the Plan period in the event that housing needs change.</p>	<p>Agree. Policy renamed; policy text replaced; and supporting text added.</p>
<p><u>Policy LAHS 2 Development of Allocated Sites</u> In the opening part of the policy replace 'shall follow' with <u>'should respond positively to'</u>, and 'specifically' with <u>'in general, and in Particular'</u></p>	<p>To add flexibility in the policy to allow site-specific considerations to be incorporated.</p>	<p>Agree. Policy amended as recommended</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>Delete: 'WLP7.5 Land North of The Street, Somerleyton local plan allocation should adhere to the concept masterplan in section 6.2 of the design guide and demonstrate how it has taken account of the design features in part 6.3 WLP7.6 Mill Farm Field local plan allocation should adhere to the concept masterplan in section 6.4 of the design guide and demonstrate how it has taken account of the design features in part 6.5 WLP7.12 Land East of The Street, Lound local plan allocation should adhere to the concept masterplan in section 5.2 of the design guide and demonstrate how it has taken account of the design features in part 5.3'</p> <p>and replace with: <u>'In relation to WLP7.5 Land North of The Street, Somerleyton to the concept masterplan in section 6.2 and the design features in section 6.3 of the Masterplanning and Design Guidelines.</u></p> <p><u>in relation to WLP7.6 Mill Farm Field, Somerleyton to the concept masterplan in section 6.4 and the design features in section 6.5 of the Masterplanning and Design Guidelines.</u></p> <p><u>in relation to WLP7.12 Land East of The Street Lound to the concept masterplan in section 5.2 and the design features in section 5.3 of the Masterplanning and Design Guidelines'</u></p> <p>At the end of paragraph 7.3.3 add: <u>'Policy LAHS 2 applies the work on Masterplanning and Design Guidance to the development of the three Waveney Local Plan housing sites. It requires that the development of each site responds positively to the relevant section of the Design Guidance. Nevertheless, a degree of flexibility could be necessary where</u></p>		

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<p><u>detailed work on the preparation of planning applications may cause the concept masterplans for each site to be refined and/or updated. Plainly East Suffolk Council will consider the contents of the development plan and all material considerations as it determines planning applications'</u></p>		
<p><u>Policy LAHS 3 Public Open Spaces in New Residential Developments</u></p> <p>Delete the three parts of the policy:</p> <p>Where developments include areas of public open space these shall be designed in a manner which maintain and enhance the existing villages' character.</p> <p>The provision of public open green space in any new development shall incorporate appropriate native trees and planting to enhance biodiversity.</p> <p>Planning applications for development which includes public open space should demonstrate how this open space will be appropriately managed and maintained</p> <p>Replace the first part of the policy with: <u>'Proposals for areas of public open space within development proposals should be designed in a manner which maintain and enhance the existing character of the village in which they are located'</u></p> <p>Replace the second part of the policy with: <u>'The provision of public open green space should incorporate appropriate native trees and planting to enhance biodiversity'</u></p>	<p>Modifications recommended to the wording of the first and second parts of the policy so that they have the clarity required by a development plan policy. The third part of the policy is not land-use policy and is moved into the supporting text.</p> <p>Further clarity added by expanding supporting text.</p>	<p>Agree. Policy wording amended and addition made to supporting text.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>At the end of the first paragraph of supporting text add: <u>'In this context, planning applications for development which includes public open space should provide details about how this open space will be appropriately managed and maintained'</u>.</p>		
<p><u>Policy LAHS 4 Design of New Residential Developments</u></p> <p>Delete the three parts of the policy:</p> <p>New residential developments shall harmonise with and reflect the character of the existing neighbouring houses and any new dwellings shall be similar in scale, type, and use similar materials to existing vernacular houses.</p> <p>All new residential development in the Neighbourhood Plan area, excluding the Broads Authority area, will be expected to comply with the requirements of the Lound and Somerleyton, Suffolk, Masterplanning and Design Guidelines AECOM, June 2019.</p> <p>The key design principles for new residential developments shall be those regarding street patterns and layout, boundary treatment and built form. All proposals shall demonstrate that these principles have been understood and incorporated into their design and demonstrated in the Design and Access Statement.</p> <p>Replace the first part of the policy with: <u>'New residential developments should harmonise with and reflect the character of the existing houses in the immediate locality. New dwellings should be similar in scale, type, and use materials to either match or complement existing vernacular houses.'</u></p>	<p>The recommended modifications to the policy provide simpler language, clarity, and flexibility as highlighted in the NPPF. They will also allow the scale and nature of development to be taken into account when applying the policy.</p> <p>The third part of the policy is descriptive rather than policy itself. This should be moved to the supporting text.</p>	<p>Agree. Policy wording amended and addition made to supporting text.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>Replace the second part of the policy with: <u>'As appropriate to their scale, nature and location, development proposals within the East Suffolk administrative part of the neighbourhood area should respond positively to the requirements of the Lound and Somerleyton, Suffolk, Masterplanning and Design Guidelines'</u></p> <p>At the end of paragraph of supporting text add: <u>'The key design principles for new residential developments shall be those regarding street patterns and layout, boundary treatment and built form. All proposals shall demonstrate that these principles have been understood and incorporated into their design and demonstrated in the associated Design and Access Statement. This approach is consistent with the design-led approach as captured in national planning policy. The Neighbourhood Plan sets out the Parish Councils' approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable'</u></p>		
<p><u>Policy LAHS 5 Provision of Public Rights of Way</u></p> <p>Delete the policy: Any new development must preserve existing footpaths, bridleways and cycle paths and where appropriate, include new provision on the site to connect to the existing network. Development Proposals in the Neighbourhood Plan area, excluding the Broads Authority area, must also include, where appropriate to do so, the requirements of Section 4.1.2 (Connectivity) of the Lound and Somerleyton, Suffolk, Masterplanning and Design Guidelines, June 2019</p>	<p>A series of modifications were recommended such as the incorporation of language which has a closer relationship to a development plan policy; a refinement of the way in which the specific requirements of the Design Guidelines are applied (to be based on the scale, nature and location of proposals); and a more positive</p>	<p>Agree. Policy amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>Replace the policy with: <u>'Development proposals should safeguard existing footpaths, bridleways and cycle paths and where appropriate, include new provision on the site to connect to the existing network. As appropriate to their scale, nature and location development proposals within the East Suffolk administrative area of the neighbourhood area should also incorporate the requirements of Section 4.1.2 (Connectivity) of the Lound and Somerleyton, Suffolk, Masterplanning and Design Guidelines'</u></p>	<p>articulation of the way in which the policy would be applied in the neighbourhood.</p>	
<p><u>Policy LAHS 6 Parking Provision for New Residential Developments</u></p> <p>Delete the final part of the policy: Unallocated visitor parking shall be provided in configured locations within the development at the rate of 0.25 spaces per dwelling.</p> <p>Replace the final part of the policy with: <u>'A proportion of visitor parking should be provided on-street within any new developments in a way which is well-designed, located and integrated into the scheme and avoids obstruction to highway users or a restriction of visibility.</u></p> <p><u>Proposals should include provisions for safe and secure cycle storage, in accordance with adopted cycle parking standards'</u></p>	<p>To add clarity and take into account comments from Suffolk County Council.</p>	<p>Agree. Policy amended as recommended.</p>
<p><u>Policy LAHS 7 Provision of New Somerleyton Village Hall and Changing Rooms</u></p> <p>In the first line of the policy replace 'The proposal for' with <u>'Development proposals for'</u></p>	<p>A detailed modification to the wording of the policy is recommended so that it is more appropriate to a development plan policy. A modification to the associated map on page 10 is</p>	<p>Agree. Policy amended as recommended and map be modified.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>Map on page 10 - replace 'neighbourhood plan allocation' with <u>'indicative location for village hall and changing rooms'</u></p>	<p>recommended so that its language is consistent with that used in the policy.</p>	
<p><u>Policy LAHS 9 Support of Local Businesses</u></p> <p>In the first bullet point replace 'must be' with <u>'is'</u></p> <p>In the second bullet point replace 'Employment development must with be in line' with <u>'The employment development concerned should reflect'</u></p> <p>Delete: 'proposals for rural tourism and other businesses that will benefit the local economy shall be in locations that are sustainable and do not harm the visual character or amenity of the Plan area.'</p>	<p>Changes to the first and second bullet points will add clarity. The final part of the policy is already covered by national planning policy and does not set out a locally distinctive approach which builds on this.</p>	<p>Agree. Paragraph amended as recommended.</p>
<p><u>Other Matters - General</u></p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p>	<p>To achieve consistency in the general text of the plan.</p>	<p>Agree. Changes made to general text where required.</p>
<p><u>Other Matters – Specific</u></p> <p>I recommend modifications to address the matters raised insofar as they are necessary to ensure that the Plan meets the basic conditions:</p> <p>Replace the final sentence of paragraph 5.3 with: <u>'Residential moorings at Somerleyton Marina are addressed in the Broads Authority's Local Plan'</u></p>		

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>Delete paragraph 7.2.4 and renumber Section 7.2 accordingly: Planning applications that are in accordance with the relevant policies DM12: Reuse of Historic Buildings and DM48: Conversion of Building in the Broads Authority Local Plan or WLP8.11: Conversion of Rural Buildings to Residential Use in the Waveney Local Plan and the NPPF support the community's aspirations.</p> <p>Replace paragraph 7.3.5 with: <u>'Any further proposed sites will be considered on their merits, taking account of the policies in the East Suffolk Council (Waveney) Local Plan, the Broads Authority Local Plan 2019 and the Lound and Somerleyton, Suffolk, Master-planning and Design Guidelines (AECOM, June 2019). For clarity, the Design Guide applies only to the East Suffolk part of the neighbourhood area. As such, the requirement to apply the design guide in those parts of the neighbourhood area within the Broads Authority Executive Area has been excluded from the contents of Policies LAHS4, LAHS5 and LAHS7 of this Plan'</u></p> <p><u>Insert paragraph numbers into the supporting text linked to Policies LAHS3 and 4.</u></p> <p>At the end of paragraph 7.5.7 add: <u>'Paragraphs 7.5.1 to 7.5.6 have set out particular design characteristics in the neighbourhood area. They are included in this part of the Plan for guidance purposes only. Policy LAHS4 sets out the Plan's policy on this matter'</u></p> <p>Replace the second paragraph of the supporting text for Policy LAHS3 with: <u>'Policy LAHS3 expands and supports the following development plan policies - Local Plan polices WLP8.23 (Protection of Open Space) of</u></p>		

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<p>the East Suffolk (Waveney) Local Plan and DM7 (Open space on land, play space, sports fields and allotments) of the Broad Authority Local Plan'</p> <p>In paragraph 8.1.1 replace 'mitigate against climate change' with 'mitigate the impact of climate change'.</p>		

Council's further modifications

Under section 12(6)(a) of Schedule 4B of the Town and Country Planning Act 1990, the Council considers that the following modifications are also needed in order that the Plan meets the basic conditions or for the correction of errors.

Policy/Supporting text	Reason for change	Action by ESC and BA
Add paragraph numbers where missing.	To improve accuracy and ease of use.	Agree. Paragraph numbers added where missing.
Add OS licence number to Maps	To improve accuracy	Agree. Amendments made.