

Rushmere St Andrew Neighbourhood Development Plan 2018-2036

**A report to East Suffolk Council on the Rushmere St
Andrew Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by East Suffolk Council in June 2022 to carry out the independent examination of the Rushmere St Andrew Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 4 July 2022.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan. It has been produced in quick order.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Rushmere St Andrew Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
22 August 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Rushmere St Andrew Neighbourhood Development Plan 2018-2036 (the 'Plan').
- 1.2 The Plan has been submitted to East Suffolk Council (ESC) by Rushmere St Andrew Parish Council (RSAPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It proposed a series of Settlement Gaps and Local Green Spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will form part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by ESC, with the consent of RSAPC, to conduct the examination of the Plan and to prepare this report. I am independent of both ESC and RSAPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated by the relevant local planning authority and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the ESC SEA screening report.
- the ESC HRA screening report.
- the Appraisal of Local Green Spaces.
- the Design Guidelines and Code.
- the Assessment of Important Views.
- the Landscape Appraisal.
- the Appraisal of Non-designated heritage assets.
- RSAPC's responses to the Clarification Note.
- the representations made to the Plan.
- the adopted Suffolk Coastal Plan 2018-2036.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 4 July 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.12 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, RSAPC has prepared a Consultation Statement. The Statement is extensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to November 2021). It sets out the key issues in a proportionate way and is then supported by various appendices.
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the ongoing use of the parish newsletter and the 'In Touch' magazine to raise awareness about the production of the Plan;
 - the household questionnaire; and
 - the update leaflet to every household (March 2021).
- 4.4 The Statement also provides details of the way in which RSAPC engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix 7 of the Statement also provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan and how the Parish Council responded to those comments. Appendix 8 then identifies the changes that worked their way through into the submission version of the Plan. This process helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Whilst the Plan was prepared within the challenging Covid period of 2020 and early 2021, advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that RASPC has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. ESC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted Plan was undertaken by ESC. It ended on 6 June 2022. This exercise generated comments from a range of organisations as follows:

- East Suffolk Council
- Historic England
- Ipswich School
- Kesgrave Town Council
- National Highways
- Natural England
- Suffolk County Council
- Suffolk Wildlife Trust
- Environment Agency
- Ministry of Defence

4.8 I have taken account of the various representation in examining the Plan. Where it is appropriate to do so, I comment on the various representations on a policy-by-policy basis in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Rushmere St Andrew. Its population in 2011 was 6185 persons living in 2562 houses. It was designated as a neighbourhood area on 26 February 2020. It is an irregular, largely linear area located to the immediate east of Ipswich and to the west of Kesgrave. The A1214 runs through the middle of the parish in an east-west direction.
- 5.2 The neighbourhood area consists of three related parts. The northern part is rural and agricultural in character. The railway line runs in an east-west direction through this part of the parish. The middle section is dominated by the traditional village of Rushmere St Andrew based around St Andrew's Church and The Street. The southern part of the parish is dominated by the attractive Common. Modern housing off Bladen Drive sits to the east of the Common.
- 5.3 As the Plan comments, sports pitches dominate the older part of the parish to the north of the A1214 Woodbridge Road. Approximately 30 hectares of land is used by either Ipswich Town FC, Ipswich School, Ipswich YM Rugby Club or Ipswich Wanderers FC. In addition, there are two golf courses in the parish. Rushmere Golf Club is based on the Common, and Ipswich Golf Club is located along the southern boundary of the parish. This ensures that the parish has an open and semi-rural character.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Suffolk Coastal Local Plan 2018-2036. The Local Plan sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It was adopted in September 2020.
- 5.5 The Local Plan includes a comprehensive range of policies. Policy SCLP3.2 identifies Rushmere St Andrew village as a Small Village. The rest of Rushmere St Andrew is part of East of Ipswich and is categorised as a Major Centre. Table 3.4 summarises the policy approach for the respective categories as follows:

Smaller Village

- Development within existing Employment Areas (Policy SCLP4.1);
- Development of employment uses appropriate to the scale of the settlement (Policy SCLP4.2 and Policy SCLP4.5);
- Protection of local shops (Policy SCLP4.12);
- New housing allocations (Section 12); and
- Small groups of new housing and infill within Settlement Boundaries (Policy SCLP5.2)

Major Centres

- Development within existing Employment Areas (Policy SCLP4.1);

- Identification of new employment allocations linked to major centres and transport corridors (Policy SCLP4.2);
- Development within Settlement Boundaries (Policy SCLP3.3);
- Retail uses within defined Town Centres, District Centres and Local Centres (Policy SCLP4.8); and
- Housing development within Settlement Boundaries (Policy SCLP3.3).

The list of policies for Major Centres excludes the policies in the Plan which relate specifically to other parts of East Suffolk.

- 5.6 One of the key aspects of the Local Plan with regards to Rushmere St Andrew is set out in Policy SCLP12.18 - Strategy for Communities surrounding Ipswich. Its ambition is to maintain the healthy and vibrant communities which provide a diverse mixture of residential and employment opportunities alongside services and facilities by maintaining and enhancing the relationship with Ipswich and other parts of the plan area. In addition, Policy SCLP 12.22 of the Local Plan protects the sports pitches and other open areas between the village and the parish boundary as recreation and open space, to retain settlement separation.
- 5.7 The main implication of the Local Plan is the allocation of a site for housing north of Humber Doucy Lane and straddling the boundary with Ipswich Borough (Policy SCLP12.24). In all, it is anticipated that around 600 homes will be built on the site
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in East Suffolk. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 4 July 2022.
- 5.10 I drove into Rushmere St Andrew via the A12/A1214 from the east. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted its connection to the strategic road system.
- 5.11 I looked initially at the proposed Area of Special Character in the village. I also looked at St Andrew's Church.
- 5.12 I then spent time looking at specific elements within the submitted Plan including the Settlement Gaps, the proposed Local Green Spaces and the strategic housing site off Humber Doucy Lane.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) as most recently updated in July 2021. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Rushmere St Andrew Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Suffolk Coastal Local Plan 2018-2036
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its role in the settlement hierarchy. In particular it includes a series of policies that seek to safeguard the quality and nature of its landscape setting and proposes the designation of settlement gaps and local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy for village services and facilities (Policy RSA10). In the social role, it includes policies on local green spaces (Policy RSA6) and open space and recreation (Policy RSA11). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on landscape character (Policy RSA3), on trees (Policy RSA4) and on design (Policy RSA9). RSAPC has undertaken its own very impressive, assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in East Suffolk in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in Section 7 of this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement ESC undertook a screening exercise (December 2021) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The screening report comments as follows:

'The Draft Rushmere St Andrew Neighbourhood Plan does not allocate land for built development and applies to a localised area. The plan has been prepared within the context of the strategic policies of the Suffolk Coastal Local Plan (September 2020) which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Rushmere St Andrew Neighbourhood Plan to ensure compliance with EU obligations.'

Habitats Regulations Assessment

- 6.16 ESC produced a separate Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is very thorough and comprehensive. It took appropriate account of an extensive range of protected sites as set out in its Appendix 3. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

Human Rights

- 6.19 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It does however include a series of well-developed non-land use Community Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary, I have identified the inter-relationships between the policies. It addresses the Community Aspirations after the policies
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-4)

- 7.8 The introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. In combination they ensure that the Plan is easy to navigate and attractive to use. A very clear distinction is made between its policies and the supporting text. In the event that the Plan is 'made' it will sit comfortably and professionally as part of the development plan for East Suffolk.
- 7.9 The Introduction is well-considered. In particular, it identifies the way in which a neighbourhood plan empowers a local community on planning matters. Paragraph 1.5 neatly sets out the themes addressed in the Plan. The flowchart in paragraph 1.7 very clearly summarises the key milestones of the plan preparation process.
- 7.10 Paragraph 1.4 properly identifies the neighbourhood area (Map 1). Whilst the front cover of the Plan provides details about the Plan period, it would be appropriate if it was also captured in the text of the Plan.

At the end of paragraph 1.4 add: 'The Plan period is 2018 to 2036'

- 7.11 Section 2 provides information about the neighbourhood area and its history. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It neatly relates the history of the parish to the issues which the Plan addresses.
- 7.12 Section 3 sets out the broader planning policy context within which the Plan has been prepared. It comments about both national policy (the NPPF) and local policy. The section on the Suffolk Coastal Local Plan (paragraphs 3.4 to 3.8) is particularly helpful and informative.
- 7.13 Section 4 sets out the vision, and objectives for the Plan.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy RSA1: Planning Strategy

- 7.15 This policy sets the scene for the Plan. It seeks to focus new development within the settlement boundary as identified in the Local Plan and to apply national and local policies to proposed development outside the settlement boundary. As paragraph 5.4 of the Plan comments, this approach will ensure that the undeveloped rural countryside will be preserved and will remain largely undeveloped.
- 7.16 I am satisfied that the policy's approach meets the basic conditions. However, for complete clarity, I recommend that the reference to District level policies is modified so that it refers directly to the policies in the Suffolk Coastal Local Plan. As ESC comment, different local plans apply across its administrative area. The relevant policies in the Local Plan are conveniently shown in the box below the policy itself.
- 7.17 I have taken account of the representation by Ipswich School on this policy. I have concluded that a modification is not required to ensure that the policy meets the basic conditions.

In the third part of the policy replace 'District level' with Suffolk Coastal Local Plan'

Policy RSA2: Land at Humber Doucy Lane

- 7.18 The Suffolk Coastal Local Plan and the Ipswich Local Plan identify a strategic growth site between Humber Doucy Lane and Tuddenham Lane for a housing-led development, with an additional segment between Humber Doucy Lane, the Rugby Club and Seven Cottages Lane. The site straddles Rushmere St Andrew and Tuddenham St Martin parishes as well as Ipswich Borough. In total 600 dwellings will be constructed on the site.
- 7.19 The submitted policy seeks to consolidate the details in Policy SCLP12.24 of the Suffolk Coastal Local Plan. It requires that development on the site should make provision for a significant reinforcement of existing planting and additional native tree planting of local provenance along its north-eastern/eastern boundary where it adjoins Tuddenham Lane and in the vicinity of existing residential properties off Tuddenham

Lane. In addition, it comments that the planting scheme should be designed to maintain the separation of the enlarged urban area of Ipswich with this part of the parish. Finally, it indicates that proposals should be accompanied by a management plan which will ensure the successful establishment of the new planting and its continued growth.

- 7.20 I looked at the site carefully during the visit. I saw that the part of the site concerned within the parish was in a sensitive location. I am satisfied that the policy adds distinctive local value to the existing strategic approach in place on the wider site. ESC comments that the provision of access onto Tuddenham Lane for cyclists and pedestrians only is welcomed and is consistent with the status as a Quiet Lane as set out in Chapter 10 of the Neighbourhood Plan.
- 7.21 I recommend a very detailed modification to the wording of the policy so that it is more closely associated with the development management process. Otherwise, it meets the basic conditions. It is a very good example of a distinctive neighbourhood plan policy which complements the approach already taken in a local plan.

In the first sentence of the policy replace ‘development shall’ with ‘development proposals should’

Policy RSA3: Protection of Landscape Character and Important Views

- 7.22 This is the first of two policies on the natural environment. It is general in nature. It requires that development proposals demonstrate how they have regard to, and conserve, or enhance, the landscape character and the setting of the parish, and will ensure that there is no detrimental impact on the key features of identified important views.
- 7.23 The nature of the identified views is set out in the Appraisal of Important Views. It is a well-presented document which is proportionate to its purpose. I looked at some of the views during my visit to the neighbourhood area.
- 7.24 I am satisfied that the policy takes a general approach to this matter. Ipswich School suggests that the policy should be broadened to address the wider landscape character of the parish. Whilst this approach would have been appropriate, the content of a neighbourhood plan is ultimately at the discretion of the qualifying body (here RSAPC).
- 7.25 I recommend that the opening element of the policy is modified so that it has the clarity required by the NPPF and to ensure that it can be applied by ESC with certainty through the development management process. The recommended modification has also been designed to ensure that the policy can be applied on a proportionate basis. In this context, it would be unreasonable for minor and domestic proposals to be required to demonstrate that they had no detrimental impacts on the identified views.
- 7.26 I also recommend that the wording used in the second criteria (on the impact on views) is modified. As submitted, the criterion is very absolute and inflexible. In reaching this judgement I have taken account of RSAPC’s response to the clarification note on this matter.

Replace the opening element of the policy with:

‘As appropriate to their scale, nature and location and to ensure that they conserve the essential landscape, heritage and rural character of the parish, development proposals should demonstrate how they:

In criterion ii) replace ‘detrimental’ with ‘unacceptable’

Policy RSA4: Protection of Trees, Hedgerows and other Natural Features

7.27 This policy follows on from the general approach in the previous policy. It has three related parts as follows:

- development proposals should avoid the loss of, or substantial harm to, distinctive trees, hedgerows and other natural features such as ponds and watercourses;
- mitigation measures will form an integral part of the design concept and layout of any development scheme, and that the design of development will be landscape-led and appropriate in relation to its setting, context and have regard to ongoing management; and
- where new access is created, or an existing access is widened, through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.

7.28 The Suffolk Wildlife Trust offers general support for the policy. In particular it supports the element about biodiversity net gain. It suggests that the remit of the policy is expanded so that it addresses the significance of the Rushmere Heath and Ipswich Golf Course County Wildlife Sites. It comments as follows:

‘However, given that the two most important areas for the natural environment in the parish are the Rushmere Heath and Ipswich Golf Course County Wildlife Sites, we recommend that Policy RSA 4 makes reference to the need to protect them and enhance the rare lowland heath contained in them. Although it is unlikely that they would be threatened directly with development because of the nature of their ownership and, in the case of Rushmere Heath, its common land status, they are nevertheless still vulnerable to inappropriate management, intensive recreational pressures, disturbance and pollution which may increase when new houses are built in the vicinity. In particular the pressure from dog walking on these sites can degrade the habitat quality, so it is important both to manage these sites to provide undisturbed refuges and to ensure there is good provision of accessible greenspace within any new developments so that there are alternative areas for dog walkers to go’

7.29 I have considered this representation very carefully. The significance of the two County Wildlife Sites was immediately evident during the visit and the broadening of the policy would be a positive approach. However, such a course of action is not necessary to ensure that the Plan meets the basic conditions for three related reasons. The first is that the scope of the Plan is one for the discretion of RSAPC. The second is that the two wildlife sites are already safeguarded by other means. The third is that the type of

policy envisaged by the Trust would not comfortably relate to the development management process. In any event, and as the Trust suggest, it is highly unlikely that development proposals would arise within the two sites.

- 7.30 I recommend that the second part of the policy is modified so that it relates more closely to the first part and has the clarity required by the NPPF. This will allow ESC to ensure its implementation through the development management process in a more transparent fashion. Otherwise, the policy sets out a robust approach to this important matter to the character and appearance of the parish. In addition, it does so in a locally-distinctive fashion.

Replace the second paragraph of the policy with:

‘Any such mitigation measures should form an integral part of the design concept. In addition, the layout and design of the development proposal concerned should be landscape-led and appropriate in relation to its setting and context and have regard to its ongoing management.’

Policy RSA5: Settlement Gaps

- 7.31 This policy proposes a series of Settlement Gaps (SG). The approach taken is underpinned by the submitted Landscape Appraisal. It highlights that due to the close proximity of Ipswich and Kesgrave, there are places where the distinction between local communities has become blurred. It comments that this is either because the built development has extended to be contiguous with that in the parish, or where there are remnant areas of open space which form an important gap but where the gap may be particularly narrow or subject to more urbanising land uses.
- 7.32 The policy comments that the generally open and undeveloped nature of the SGs will be protected from development to help prevent coalescence and retain the separate identity of Rushmere St Andrew.
- 7.33 The policy has a healthy overlap with Policy SCLP12.22 Recreation and Open Space in Rushmere St Andrew. That policy identifies land between Ipswich and Rushmere St Andrew village to retain settlement separation through the presence of natural and formal open green spaces, whilst also contributing to the recreational needs of the District and Ipswich Borough. It then comments that proposals will only be supported where they are for sports ground uses, or for associated uses which contribute to provision for outdoor sports and recreation and which maintain the separation of Rushmere village and Ipswich. The supporting text in the Local Plan (paragraph 12.205) explains the context to the policy as follows:

‘Much of the land is in use as playing pitches and associated buildings and other infrastructure, occupied by a number of sporting clubs and organisations. The continued provision and enhancement of sports and recreation facilities in this location should enable the separation of Rushmere village and Ipswich to be maintained, through the presence of formalised green spaces. Ipswich Town Football Club have had a presence on land north and south of Playford Road for nearly three decades, and there also remains evidence of former uses on some of this land, including through the presence of currently unused areas of land.’

- 7.34 Ipswich School comments that the submitted policy should more closely align with the Local Plan policy. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that there is no conflict between the two policies. In particular the area within the parish within the proposed SGs in the submitted Plan are more extensive than the Recreation and Open Space between Ipswich and Rushmere St Andrew as shown in the Local Plan. Similarly, proposals for recreation and open spaces uses within the SGs would accord with the approach set out in the policy. However, for clarity I recommend an addition to the supporting text to explain the relationship between the two policies. Otherwise, the policy meets the basic conditions.

At the end of paragraph 6.18 add:

'Policy SCLP12.22 of the Suffolk Coastal Local Plan identifies Recreation and Open Space between Ipswich and Rushmere St Andrew. There is a degree of overlap between one of the proposed Settlement Gaps identified in this Plan and the Recreation and Open Space identified in the Local Plan. Within this parcel of land (to the east of Humber Doucy Lane) proposals for open recreational use will be supported.'

Policy RSA6: Local Green Spaces

- 7.35 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on the Policies Map. The proposed LGSs reflect the character and the nature of the parish and the way in which green spaces form important parts of the local environment. In most cases, they are incidental green spaces within the built-up elements of the parish. The policy is underpinned by the excellent Appraisal of Local Green Spaces Assessment.
- 7.36 The supporting text comments about the tests in the NPPF for the designation of LGSs. The Appraisal of Local Green Spaces provides detailed commentary on the way in which RSAPC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked at the proposed LGSs when I visited the neighbourhood area.
- 7.37 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.38 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

- 7.39 The policy lists the proposed LGSs. The national policy implications of LGS designation are set out in paragraph 6.23 of the supporting text of the Plan. I have considered this approach carefully. On the one hand, the approach towards proposed development in LGSs is now well-established. On the other hand, it is important that every neighbourhood plan is self-contained in terms of its policies. As such, I recommend a modification so that the policy directly explains the policy implications of LGS designation and in doing so takes the matter-of-fact approach in the NPPF.
- 7.40 I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by ESC. In particular, ESC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.
- 7.41 Otherwise the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development.

Insert an additional paragraph at the end of the policy to read:

'Development proposals within the designated local green spaces will only be supported in very special circumstances.'

At the end of paragraph 6.23 add: 'Policy RSA6 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by East Suffolk Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy RSA7: Non-designated heritage assets

- 7.42 This policy identifies a series of non-designated heritage assets. The approach taken is underpinned by the submitted Appraisal on this matter.
- 7.43 The policy applies the provisions of Policy SCLP11.6 of the Local Plan to the proposed heritage assets.
- 7.44 There is a potential conflict between the opening element of the first part of the policy and its relationship with the approach taken in Policy SCLP11.6. As such, I recommend that the opening element of the first part of the policy is simplified.
- 7.45 The policy has been well-considered. It is evidence-based. The proposed non-designated heritage assets sensitively reflect the character of the parish. Subject to the inclusion of the recommended modification it meets the basic conditions.

Replace the opening element of the first part of the policy with: 'The Plan identifies the following buildings as shown on the Policies Map as non-designated heritage assets.'

Policy RSA8: Rushmere Village Special Character Area

- 7.46 This policy proposes a Special Character Area for Rushmere St Andrews village. It comments that within the identified character area consideration should be given as to how a proposal enhances the distinct characteristics of the identified area (as illustrated in Appendix 1).
- 7.47 I looked at the proposed Character Area carefully during the visit. Its character and wider importance to the parish was immediately self-evident.
- 7.48 The policy is an excellent local response to Section 12 of the NPPF. The local community has developed a detailed and distinctive approach to design.
- 7.49 I recommend two modifications to the wording used in the policy. In both cases they will bring the clarity for development management purposes as required by the NPPF. The first requires that the relationship between development proposals and the character area is more explicit. As submitted, the policy simply required that proposals 'give consideration' to the matter. The second simplifies the approach taken in the second part of the policy. In addition, I recommend that the reference to the public benefits which may arise from any proposal is positioned in the supporting text.

In the first part of the policy replace 'consideration should be given as to how a proposal enhances the distinct characteristics of the identified area as illustrated in Appendix 1' with 'development proposals should respond positively to the distinctive characteristics of the identified area as illustrated in Appendix 1.'

Replace the second part of the policy with: 'Development proposals which would cause unacceptable harm to the character and appearance of the Special Character Area will not be supported.'

At the end of paragraph 7.5 add: 'The second part of Policy RSA8 highlights the approach which will be taken through the development management process. Where appropriate, any public interest benefits which arise from a proposed development will be considered against the harm which may arise.'

Policy RSA9: Design Considerations

- 7.50 This policy sets out the Plan's approach to design. It takes a distinctive approach and is underpinned by the work undertaken on the Rushmere St Andrew Design Guidelines and Codes. That work has been produced to a very high standard.
- 7.51 The policy has two related elements. The first comments that proposals for new development must reflect the local characteristics and circumstances in the Neighbourhood Plan Area as identified in the Rushmere St Andrew Landscape Appraisal and the Rushmere St Andrew Design Guidelines and Codes, and create and contribute to a high quality, safe and sustainable environment. The second comments that planning applications should demonstrate how they satisfy the requirements of the design principles in Appendix 2 (relating to The Street Special Character Area), as

appropriate to the proposal. The policy also includes a series of specific considerations which must be met by development proposals.

- 7.52 The policy is an excellent local response to Section 12 of the NPPF. The local community has developed a detailed and distinctive approach to design. I recommend a modification to the wording of the second part of the policy so that it is clear that it applies specifically within The Street Special Character Area.
- 7.53 I am satisfied that the criteria in the third part of the policy are distinctive to the parish. I recommend a modification to the wording of the initial part of the policy (which provides a broader context to the criteria) so that it can be applied in a proportionate way. Plainly not all of the criteria will be relevant to every development proposal.
- 7.54 I also recommend detailed modifications to two of the criteria to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute significantly towards the delivery of the environmental dimension of sustainable development.

In the second part of the policy insert ‘in The Street Special Character Area’ between ‘planning applications’ and ‘should’

Replace the opening element of the third part of the policy with:

‘In addition, and as appropriate to their scale, nature and location, proposals will be supported where:’

Replace criterion b) with: ‘they protect and where practicable enhance open, green or landscaped areas in the immediate locality which make a positive contribution to the character and appearance of the parish’

In criterion d) add ‘where practicable’ after ‘within the plot’

Policy RSA10: Village Services and Facilities

- 7.55 This policy celebrates the importance of services and facilities in the parish. It identifies a series of facilities to which the provisions of Policy SCLP8.1 of the Local Plan will apply.
- 7.56 ESC comment that the inclusion of the facilities at Aries Business Park is at odds with the other more traditional community facilities listed in the policy. It also comments that the retail and business premises at the Business Park are not community facilities in the sense of Policy SCLP8.1.
- 7.57 I looked at the Business Park during the visit. I saw its prominent location off Woodbridge Road.
- 7.58 Paragraph 8.1 of the Local Plan comments that ‘community facilities and assets are an important part of the social fabric of neighbourhoods and communities. Facilities can include shops, post offices, public houses, medical facilities, police facilities, sports venues, cultural buildings, places of worship and places which promote social interaction and provide opportunities for meetings between people who might not

otherwise come into contact with each other. Individually and collectively, these provide places for people to meet and socialise as well as valuable services which encourages active communities and fosters a sense of identity and well-being for those who live in and visit the area.'

- 7.59 On the balance of the evidence, I am not satisfied that the Business Park is an appropriate facility to be included in this policy. Whilst it includes a degree of retail use, it is not classically a 'place for people to meet and socialise as well as valuable services which encourages active communities and fosters a sense of identity and well-being for those who live in and visit the area'. On this basis, I recommend that it is deleted from the policy. In any event individual retail units are safeguarded by the contents of the second part of the policy. Otherwise, this part of the policy meets the basic conditions. It identifies an appropriate range of village services and facilities and applies the provisions of Local Plan Policy SCLP8.1 to their future use.
- 7.60 The third part of the policy offers support for the enhancement of the identified services and facilities. In general terms it meets the basic conditions. However, I recommend modifications to the wording used. The recommended modification will allow ESC to apply a degree of flexibility in assessing any such proposals.

In the first part of the policy delete 'Aries Business Park' from the list of facilities

In the third part of the policy replace 'significant adverse' with 'unacceptable'

Policy RSA11: Open Space, Sport and Recreation Facilities

- 7.61 This policy covers an extensive range of open space and recreation facilities. It includes component parts on the following matters:
- offering support for proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities;
 - development which will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless a series of circumstances are met;
 - the potential need for 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;
 - a requirement that clubhouses, pavilions, car parking and ancillary facilities must be of a high standard of design and internal layout and that the location of such facilities must be well related and sensitive to the topography, character and uses of the surrounding area, particularly when located in or close to residential areas; and
 - development proposals which give rise to intrusive floodlighting will not be permitted.

7.62 The policy takes a comprehensive approach to this matter. Nevertheless, I recommend a series of detailed recommended modifications to the wording used. In summary the recommended modifications address the following matters:

- to bring the clarity required by the NPPF;
- to remove the reference in the first part of the policy to the relationship between on-site car parking provision and car parking in nearby roads. The policy correctly applies parking policies and neither ESC nor RSAPC can control the way in which drivers choose to park their cars;
- to acknowledge that recreation proposals may serve a wider area than either a community and/or a parish;
- to ensure that the element of the policy on floodlighting is crafted in a positive rather than a negative way.

7.63 Both ESC and Ipswich School raise a series of matters about the way in which the policy on the submitted Plan overlaps with, and is in general conformity with Policy SCLP12.22 of the Local Plan. I have considered this issue very carefully. Neither party asserts that the submitted policy is not in general conformity with Policy SCLP12.22 of the Local Plan. Both seek specific amendments to the policy. On the balance of the evidence, I am satisfied that other than the detailed modifications to the wording of the policy as summarised in paragraph 7.62 above and as set out below, the policy is in general conformity with Policy SCLP12.22 of the Local Plan. In this context the important issue is general conformity. A neighbourhood plan does not need to slavishly follow a local plan policy. Indeed, if it did so there would be no need for a distinctive parish-based policy.

In the first part of the policy delete ‘and will not result in car parking on nearby roads’

In the second part of the policy replace ‘allowed’ with ‘supported’

In the third part of the policy replace ‘needs of the settlement where the development is taking place’ with ‘the needs of the wider community’

In the fourth part of the policy replace ‘the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide’ with ‘housing, office, retail and other commercial and mixed development should provide’

In the fifth part of the policy replace the two uses of ‘must’ with ‘should’

Replace the final part of the policy with: ‘Development proposals for floodlighting should be designed and located in a way which respect the amenities of residential properties in the immediate locality of the application site.’

Policy RSA12: Public Rights of Way

7.64 The Plan comments about the extensive network of public rights of way across the parish. It comments that the network is well-used by walkers and, on bridleways,

cyclists and horse riders. Whilst the paths are generally in good condition and waymarked, the Plan comments that the use of village roads such as the proposed Quiet Lanes, is sometimes necessary to complete a circular walk. I saw several of the Quiet Roads during the visit.

- 7.65 The policy seeks to address this issue. It comments that measures to improve and extend the existing network of public rights of way as part of a development proposal will be supported where their value as a biodiversity corridor is recognised and protected and, where possible, efforts are made to enhance biodiversity as part of the proposal.
- 7.66 I recommend that the policy is modified so that it has the clarity required by the NPPF and more closely relates to the development management function. The recommended modification will also ensure that the policy can be applied on a proportionate basis. I also recommend that the supporting text clarifies that the support offered by the policy applies where other development plan policies are met. Otherwise, the policy could have unintended consequences.

Replace the policy with: ‘Development proposals which improve and extend the existing network of public rights of way will be supported. As appropriate to their scale, nature and location, such development proposals should take account of the existing value of the right of way concerned as a biodiversity corridor and where practicable incorporate measures to enhance biodiversity as part of the proposal.’

At the end of paragraph 10.19 add: ‘Policy RSA12 sets out the Plan’s approach to this matter. The policy needs to be read within the wider context set by the development plan. It does not offer opportunities for development which would otherwise enhance footpath links to come forward where such a proposal would be in conflict with the provisions of the Suffolk Coastal Local Plan and other policies in this Plan.’

Community Aspirations

- 7.67 The Plan includes a series of Community Aspirations. They are non-land use issues which have naturally arisen as the Plan was prepared.
- 7.68 Planning practice guidance (ID: 41-004-20190509) indicates that such matters should be incorporated within a separate section of the Plan so that they are clearly distinguished from the land use policies. In this case, they are included within the main body of the Plan.
- 7.69 I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate. I have reached this view for three related reasons. The first is that it generates a natural flow and structure both for the Plan and for the lay reader. The second is that the Aspirations generally supplement the approach taken where there is an associated land use policy. The third is that the Aspirations are not shown in policy boxes.

7.70 I am satisfied that the Aspirations are both appropriate and distinctive to the parish. The following are particularly noteworthy:

- CA1 – Wildlife Management;
- CA5 – Plugging the gaps;
- CA6 – Planting Initiative;
- CA11 – Traffic Calming;
- CA13 – Encouraging Walking and Cycling; and
- CA15 – Public Rights of Way Accessibility.

Other matters - General

7.71 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. These may include natural updates to the Plan based on the stage which it has now reached (for the referendum version) and for the made version (in the event that the community supports the Plan at referendum). It will be appropriate for ESC and RSAPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

7.72 ESC has made a series of helpful comments on the Plan.

7.73 Based on these comments, I set out below a series of very specific modifications that are necessary to ensure that the Plan meets the basic conditions.

7.74 Neighbourhood plan legislation has given considerable flexibility to qualifying bodies to include the issues which they see fit to feature in their plans. As such, it is beyond my remit to recommend modifications to the Plan so that it is expanded beyond the scope as chosen by RSAPC.

Paragraph 3.7 – Insert full stop after (See Chapter 5). Thereafter replace ‘and the.... this allocation’ with ‘The neighbourhood plan cannot promote less growth than the Local Plan and the part of the allocation in East Suffolk is for approximately 150 dwellings. Ipswich Borough Council adopted its Local Plan in March 2022, which includes the remainder of the overall allocation’

Paragraph 5.5 - After ‘Ipswich Local Plan’ add ‘adopted in March 2022’. At the end of the final sentence add ‘Approximately 150 dwellings are allocated within part of the site located in East Suffolk and 449 allocated on the part of the site located in Ipswich’.

Settlement Boundary – Ensure that the Settlement Boundary in the Plan is consistent with that shown on the Local Plan policies map

Parish Boundary – Correct minor errors on Map 2 (page 15) Map 3 (page 20) and Map 5 (page 39).

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the examination of the Plan, I have concluded that the Rushmere St Andrew Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to East Suffolk Council that subject to the incorporation of the modifications set out in this report, the Rushmere St Andrew Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as designated on 26 February 2020.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
22 August 2022