

# **Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan 2014-2036**

**A report to East Suffolk Council and the Broads  
Authority on the Lound with Ashby, Herringfleet and  
Somerleyton Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by East Suffolk Council and the Broads Authority in October 2021 to carry out the independent examination of the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 5 November 2021.
- 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, promoting good design and providing specific policy advice for the development of three allocated housing sites in the Waveney Local Plan. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted development plan in both East Suffolk and the Broads Authority.
- 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 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**  
**1 February 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan 2014 to 2036 (the 'Plan').
- 1.2 The Plan has been submitted to East Suffolk Council (ESC) and the Broads Authority (BA) by Lound Parish Council and Ashby, Herringfleet and Somerleyton Parish Council in their capacity as the qualifying bodies (the QBs) 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 Convention Rights 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 and to be complementary to the development plans.
- 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 form a part of the wider development plans and be used to determine planning applications within the neighbourhood area.

## **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 the BA and the QBs, to conduct the examination of the Plan and to prepare this report. I am independent of ESC and the QBs. I am also independent of the Broads Authority. 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 is submitted 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 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 under Section 61G of the Localism Act 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 SEA screening report;
- the HRA screening statement;
- the Masterplanning and Design Guidelines;
- the Supporting Evidence document;
- the representations made to the Plan;
- responses to the clarification note from the qualifying bodies;
- the adopted Waveney Local Plan 2014-2036;
- the adopted Broads Authority Local Plan 2015-2036;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 5 November 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 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. I advised ESC of this decision once I had received the QBs' responses to the clarification note.

3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. The Plan was submitted for examination as the NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for planning and development control decisions in the neighbourhood area concerned. In this context, the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, the QBs prepared a Consultation Statement. It provides specific details about the consultation process that took place on the pre-submission version of the Plan. It also includes details about the earlier phases of consultation which are addressed in both the Plan itself and in the Supporting Evidence Note.
- 4.3 The consultation events that were carried out in relation to the initial stages of the Plan included:
- the open meetings in November 2016 (in the Lound and Somerleyton Village Halls); and
  - the circulation of a questionnaire to all households in August 2017.
- 4.4 The Statement also provides details of the way in which the QBs engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 The Statement also provides specific details on the comments received as part of the consultation process on the pre-submission versions of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. It is clear that consultation has been an important element of the Plan's production. 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. 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. This exercise generated comments from the following organisations:
- East Suffolk Council
  - Broads Authority
  - Historic England
  - Natural England
  - Norfolk County Council

- Somerleyton Estate
- Waveney, Lower Yare and Lothingland Internal Drainage Board

4.8 In addition a representation was received from a local resident.

4.9 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific 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 parishes of Lound and Ashby, Herringfleet and Somerleyton. Its population in 2011 was 786 persons living in 362 houses. It was designated as a neighbourhood area on 14 September 2016.
- 5.2 The neighbourhood area is an extensive rural area partly within East Suffolk and partly in the Broads Authority administrative areas. It lies inland and to the north and west of Lowestoft. Its various settlements are served by a network of rural roads and the A12 dual carriageway which provides access to the larger settlements of Great Yarmouth and Lowestoft.
- 5.3 Somerleyton is the largest village in the neighbourhood area. It has a railway station linking Norwich to Lowestoft. The village is focused around The Street and extends west to the River Waveney and Somerleyton Marina. The attractive village green is based around the open space adjacent to the Primary School and is opposite the grounds to Somerleyton Hall. Lound is a slightly smaller settlement. Its development follows The Street which runs in a north-south direction through the centre of the village. The remainder of the neighbourhood area consists of very attractive rural hinterland which includes the extensive grounds of Somerleyton Hall. It is heavily influenced by its relationship with the River Waveney on its southern and western boundaries.

### *Development Plan Context*

- 5.4 The development plan covering the majority of the neighbourhood area is the Waveney Local Plan. It sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. It was adopted in March 2019. The south-western corner of the neighbourhood area is covered by the Broads Authority Local Plan which was adopted in May 2019.
- 5.5 The Waveney Local Plan includes a comprehensive range of policies. Within its settlement hierarchy (Policy WLP7.1) Somerleyton is identified as one of a series of larger villages. Lound is identified as one of a series of smaller villages. In this overall context, other elements of Policy WLP7 allocate three parcels of land for residential use in the neighbourhood area.
- 5.6 The following general and specific policies in the Waveney Local Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy WLP1.2	Settlement Boundaries
Policy WLP7.1	Rural Settlement Hierarchy and Housing Growth
Policy WLP7.5	Land north of The Street, Somerleyton
Policy WLP7.6	Mill Farm Field, Somerleyton

Policy WLP7.12	Land east of The Street, Lound
Policy WLP8.7	Small scale residential development in the countryside
Policy WLP8.13	New Employment Development
Policy WLP8.23	Protection of Open Space
Policy WLP8.29	Design
Policy WLP8.32	Housing Density and Design
Policy WLP8.35	Landscape Character
Policy WLP8.37	Historic Environment

- 5.7 The Broads Authority Local Plan is equally-comprehensive. In the context of the submitted Plan, its influence is concentrated in the part of the neighbourhood area alongside the River Waveney. The following policies in that Plan have been important in influencing and underpinning the various policies in the submitted Plan:

Policy SP2	Strategic Flood Risk
Policy SP7	Landscape Character
Policy SP9	Recreational Access around the Broads
Policy SP11	Waterside Sites
Policy SOM1	Somerleyton Marina Residential Moorings

- 5.8 The submitted Plan has been prepared within this wider context of adopted development plans. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in East Suffolk and in the Broads Authority area. 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 plans 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 5 November 2021.
- 5.10 I drove into neighbourhood area from St Olaves to the north and west. 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 Parish church of St Margaret's. Its circular tower and thatched roof were very distinctive and attractive. I also saw its well-maintained grounds.
- 5.12 I then drove into Somerleyton. I saw its attractive estate village environment. I took time to look at the attractive houses around the Green and at the equally attractive school building. I also saw the interesting monument celebrating Sir Christopher Cockerell's invention of the hovercraft. I saw the exhibition for the allocated housing site to the north of The Street and the scale and nature of the proposed site.

- 5.13 I then took the opportunity to walk along The Street to the Somerleyton Marina. I saw that the houses changed in their character and style. I also saw the way in which the Marina related to the River Waveney.
- 5.14 I then walked along Station Road. I saw the proposed housing allocation (Mill Farm Field) to the east and the site for the proposed village hall and changing rooms to the west. I saw how the site for the new village hall would relate to the existing recreation area.
- 5.15 I then drove to Lound. I saw its linear character along the Yarmouth Road/Flixton Road. I walked through the Village Green to the Church of John the Baptist. I saw the attractive churchyard and its impressive circular tower. I then took the opportunity to look at the proposed housing allocation off The Street. I saw the village's interest and success in planting oak trees – both the Millennium tree on The Street and the Diamond Jubilee tree in the Village Green were in good order.
- 5.16 I finished the visit by driving along Border Lane and Blocka Road back to the B1074 to the west. This part of the visit reinforced the significance and attractiveness of the open countryside in the neighbourhood area. I saw the scale and significance of the woodlands to the north of these highways and their relationship with Fritton Lake.

## 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) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The European Withdrawal Act 2018 incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law.

- 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) issued in July 2021.

- 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 Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan.

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Waveney Local Plan 2014-2036 and the Broads Authority Local Plan 2015 -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 neighbourhood area. In particular it includes a series of policies that comment about the way in which allocated residential sites should be developed. It also comments in general about the way in which community facilities should be sustained. In particular it includes a specific policy on the development of a village hall and changing facilities in Somerleyton.
- 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 is reinforced in Planning Practice Guidance. 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 policies for development sites (Policy LAHS2) and for employment-related uses (Policy LAHS9). In the social role, it includes policies on housing mix (Policy LAHS1) and on community facilities (Policies LAHS 7 and 8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has a specific policy on design (Policy LAHS4). The QBs have undertaken their own 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 and in the Broads Authority area 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 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.

*European Legislation and Habitat Regulations*

- 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 (February 2020) 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. It reached this conclusion on the basis that the Plan does not allocate land for built development and applies to a localised area.
- 6.16 ESC produced a separate Habitats Regulations Assessment (HRA) of the Plan in February 2020. 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 follows:
- Benacre to Easton Bavents Lagoons SAC
  - Haisborough, Hammond and Winterton SAC
  - Minsmere to Walberswick Heaths and Marshes SAC
  - Southern North Sea SAC
  - The Broads SAC
  - Winterton-Horsey Dunes SAC
  - Benacre to Easton Bavents SPA
  - Broadland SPA
  - Breydon Water SPA
  - Great Yarmouth to North Denes SPA
  - Greater Wash SPA
  - Minsmere-Walberswick SPA
  - Outer Thames Estuary SPA
  - Breydon Water RAMSAR Broadland RAMSAR
  - Minsmere-Walberswick RAMSAR

The work undertaken 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.
- 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. Where it is necessary to do so, I have recommended modifications to the wording used in the policies. In some policies, this approach overlaps with more detailed modifications to the approach taken. In general terms, the recommended modifications to the wording used in the submission version of the Plan will result in policies which are less prescriptive. This approach will ensure that a 'made' neighbourhood plan can be used effectively for development management purposes alongside the two adopted development plans in the neighbourhood area.
- 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 neighbourhood area. The wider community and the QBs 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.
- 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.
- 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 1-5)*

- 7.8 These 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 clear fashion. It makes an effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 The Introduction (Section 1) comments about the development of the Plan. It also provides background information about the planning policy context within which the Plan has been prepared and the consultation exercises which were undertaken.
- 7.10 Section 2 incorporates a map of the neighbourhood area. It helpfully shows that part of the neighbourhood area which is in the Broads Authority. The front cover of the Plan

identifies the Plan period. However, for clarity I recommend that this information is incorporated within the Plan itself. This will ensure that it meets the basic conditions.

*At the end of paragraph 1.7 add: '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'*

- 7.11 Section 3 comments about the profile of the neighbourhood area. It describes its history and its current situation. It provides information on the following matters:
- its population profile;
  - its access to the strategic road network
  - its community facilities;
  - the significance of Somerleyton Hall; and
  - the Somerleyton conservation area
- 7.12 Sections 4 and 5 set out the Vision and Objectives for the Plan. The Vision is underpinned by eight overall objectives which address the three dimensions of sustainable development.
- 7.13 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 LAHS 1 Housing Mix

- 7.14 This policy responds to the size of dwellings in the neighbourhood area and their breakdown between privately-owned and rented accommodation. In particular it responds to feedback from the results of the neighbourhood plan questionnaire.
- 7.15 The policy comments that there will be a preference for smaller houses (1-3 bedrooms) in new housing development.
- 7.16 ESC, the Broads Authority and the Somerleyton Estate comment that the policy is a preference for a particular type of house size rather than a land use policy. In its response to the clarification note the QBs acknowledged this matter and proposed an alternative form of words based on an earlier iteration of the policy. Whilst the response is helpful it would be more onerous than the submitted policy and has not been available for public comment.
- 7.17 Taking all the evidence available to me into account, I recommend that the policy is replaced with one which ensures 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. It is designed to be non-prescriptive. This is important both in its own right and to ensure that the policy can be applied in a flexible way throughout the Plan period in the event that housing needs change.
- 7.18 I recommend that the supporting text clarifies that development proposals will need to comply with the wider development plan. Otherwise, it has the ability to be interpreted

in a way which would conflict with the two local plans and other policies in the submitted Plan.

- 7.19 Finally I recommend that the policy title is modified so that it more properly reflects the contents of the policy itself.

**Replace the policy with: ‘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.’**

**Replace the title of the policy with: ‘Housing mix and size’**

*At the end of paragraph 7.1.6 add: ‘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’*

Policy LAHS 2 Development of Allocated Sites

- 7.20 This policy builds on the policies for the allocated housing sites in the neighbourhood area as identified in the Waveney Local Plan. It is underpinned by the work undertaken in preparing the Masterplan and Design Guidance. In this regard, the policy comments that the development of each of the three sites should follow the guidance in the relevant sections of the Design Guidance.
- 7.21 In general terms this approach is appropriate. It will bring further detail for the development of the three sites to that already contained in the adopted Waveney Local Plan.
- 7.22 In its representation on the Plan the Somerleyton Estate commented that:
- ‘The AECOM work was carried out before any detailed site investigations were undertaken or before any detailed work on ecology, drainage or landscape design. The Concept Masterplans were prepared before any detailed architectural work was carried out which requires an in depth understanding and assessment of the sites. The proposals in the Design Guide may be appropriate, however, they have not been carried out with the rigour or range of professional input that would be required for a planning application. There should be flexibility in the Policy so that appropriate alternative designs can be considered. It is accepted that, even with flexibility, in the policy that any proposals will have to meet the strict requirements of the Waveney Local Plan Policies for the development of the sites and the aspirations of the Design Guide’.*
- 7.23 Plainly these are important issues in their own rights. In addition, they are reinforced by the recent submission of planning applications on two of the three allocated sites -

the Old Forge site in Somerleyton (DC/21/3593/FUL) and the Mill Farm Field in Somerleyton (DC/21/4745/FUL).

- 7.24 I sought the QBs' comments on the appropriateness of the policy providing a degree of technical flexibility in responding to the detailed assessments which will arise from the preparation of planning applications. In its response the QBs referred me to the Introduction of the Design Guide which comments that:

*'The approach set out here is supported by the National Planning Policy Framework (NPPF), which encourages local authorities to consider using design codes, or in this case guidelines, to help deliver high quality outcomes for new development. It is important however, that guidance finds the balance between promoting and reinforcing local distinctiveness and allowing for innovation and originality. The NPPF suggests that 'design policies should be developed with local communities so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics' (NPPF, 2019)'*

- 7.25 I have considered this matter carefully. On the one hand, the Design Guidelines provide concept masterplans for the three allocated sites in a very professional way. The contents of the work are not directly challenged by the Somerleyton Estate or any other party. On the other hand, the Design Guidance was produced in 2019 and without the benefit of the detailed technical work which has been undertaken as planning applications have been prepared and submitted for determination. In this context, I recommend that the policy wording is modified accordingly. As submitted the use of the word 'adhere' suggests a prescriptive approach which may not reflect detailed and site-specific information. I also recommend that the supporting text is modified and extended to address this matter.
- 7.26 Otherwise the policy meets the basic conditions. It provides additional information on the development of the three allocated sites. It will contribute significantly to the delivery of the environmental and social dimensions of sustainable development.

**In the opening part of the policy replace 'shall follow' with 'should respond positively to' and 'specifically' with 'in general, and in particular'**

**Replace the three component parts of the policy with:**

**'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.**

**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.**

**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'**

*At the end of paragraph 7.3.3 add: '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 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'*

#### Policy LAHS 3 Public Open Spaces in New Residential Developments

- 7.27 This policy complements the approach taken in the previous policy. In this case, it comments that all new development where public open space is a policy requirement will be expected to reflect the existing character of the village concerned. The policy identifies what the Plan expects in terms of open space provision within new development schemes.
- 7.28 The policy takes an appropriate and non-prescriptive approach to this matter. I recommend modifications to the wording of the first and second parts of the policy so that they have the clarity required by a development plan policy. Nevertheless, their overall effect and intention remain unaffected.
- 7.29 The third part of the policy addresses the maintenance and management of open spaces. On the one hand, this is an important matter. On the other hand, it is a process matter rather than one which defines a land use policy. As such, I recommend that this element of the policy is deleted and repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will assist significantly in promoting the environmental and social dimensions of sustainable development in the neighbourhood area.

**Replace the first part of the policy with: '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'**

**Replace the second part of the policy with: 'The provision of public open green space should incorporate appropriate native trees and planting to enhance biodiversity'**

**Delete the third part of the policy.**

*At the end of the first paragraph of supporting text add: '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'.*

#### Policy LAHS 4 Design of New Residential Developments

- 7.30 This policy reflects the range of architectural styles as identified in the Supporting Evidence and the Masterplanning and Design Guidelines. It seeks to ensure that new developments reflect existing styles and enhance the character of the villages.

- 7.31 The Plan has been prepared within the context of the 2019 version of the NPPF. An updated version of the NPPF was published in July 2021. The principal changes between the two versions of the NPPF relate to design matters. In many respects, Policy LAHS4 had anticipated the contents of the updated NPPF. In particular it is directly informed by the excellent Masterplanning and Design Guidelines. In addition, its approach sets out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable development. This is in accordance with paragraph 127 of the NPPF. As such, I am satisfied that the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the updated NPPF.
- 7.32 I recommend detailed modifications to the first part of the policy to ensure that the language used is simpler and to provide the flexibility for innovative development as highlighted in paragraph 130 of the NPPF.
- 7.33 I recommend detailed modification to the second part of the policy for the same reasons as those set out in my assessment of Policy LAHS2. I also recommend that this part of the policy takes account of the scale and nature of the development proposal concerned. Whilst design has a universal importance, larger developments are more likely to overlap with the contents of the Design Guidance.
- 7.34 The third part of the policy is a description of how the policy will be applied rather than policy in its own right. In these circumstances, I recommend that it is deleted and repositioned into the supporting text. Otherwise, the policy is a positive response to the national design agenda. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

**Replace the first part of the policy with: ‘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.’**

**Replace the second part of the policy with: ‘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’**

**Delete the third part of the policy.**

*At the end of paragraph of supporting text add: ‘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’*

### Policy LAHS 5 Provision of Public Rights of Way

- 7.35 The policy celebrates the importance and significance of public rights of way (PROW) in the two parishes. It comments that 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. It also comments that proposals must include, where appropriate to do so, the relevant requirements on accessibility in the Masterplanning and Design Guidelines.
- 7.36 The policy takes an appropriate approach to this matter. I saw first-hand the importance of the PROW network during my visit.
- 7.37 I recommend a series of modifications as follows:
- 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 articulation of the way in which the policy would be applied in the neighbourhood area.
- 7.38 Otherwise, the policy meets the basic conditions. It will contribute significantly in the delivery of the social dimension of sustainable development.

#### **Replace the policy with:**

**‘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’**

### Policy LAHS 6 Parking Provision for New Residential Developments

- 7.39 This policy sets out specific parking standards for new housing developments. The policy proposes higher standards than those in Suffolk County Council (SCC) standards for a range of reasons which are set out in the supporting text
- 7.40 On the balance of the evidence available to me as part of the examination, I am satisfied that the policy takes an appropriate approach. Whilst new developments cannot resolve existing parking and access matters in the parishes (such as the volume of through traffic on the B1074 and traffic at school peak times) they can ensure that any new houses have appropriate parking spaces which do not intensify such matters.
- 7.41 As submitted, the final part of the policy is unclear. In any event its focus is solely on parking provision rather than the way in which parking is incorporated into the design

and integrity of new residential developments. I recommend a modification to remedy this matter. It takes account of the helpful comments made by SCC.

**Replace the final part of the policy with:**

**‘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.**

**Proposals should include provisions for safe and secure cycle storage, in accordance with adopted cycle parking standards’**

Policy LAHS 7 Provision of New Somerleyton Village Hall and Changing Rooms

- 7.42 Paragraph 9.3.1 of the Plan provides a context for this important policy. It comments that Somerleyton Community Association is actively pursuing the creation of a new community centre on the playing field off Station Road. It will provide improved changing and village hall facilities in support of community use and enjoyment of the field. The Plan also comments that a new building will permit the removal of the temporary portacabins on the field, will improve the amenity of the field and will be a replacement for the existing village hall. The policy offers support to this project.
- 7.43 The policy is well-considered. It is innovative and is promoted to address a series of related community issues. In its response to the clarification note, the QBs advised that the proposed building would be located within the eastern part of the wider playing field site. This approach will ensure that it is comfortably related to the built-up form of Station Road.
- 7.44 I recommend a detailed modification to the wording of the policy so that it is more appropriate to a development plan policy. I also recommend a modification to the associated map on page 10 so that its language is consistent with that used in the policy. Otherwise, it meets the basic conditions and will contribute significantly to the delivery of the social dimension of sustainable development.

**Replace ‘The proposal for’ with ‘Development proposals for’**

*On the map on page 10 replace ‘neighbourhood plan allocation’ with ‘indicative location for village hall and changing rooms’*

Policy LAHS 8 Support of Local Community Facilities

- 7.45 This policy celebrates the importance of community facilities in the neighbourhood area. I saw this aspect of social and community life during my visit.
- 7.46 The policy comments that proposals that retain, enhance or provide local services and community facilities such as meeting places, village halls, sports venues, public houses and places of worship will be supported.
- 7.47 The policy takes a positive approach to this matter which meets the basic conditions.

Policy LAHS 9 Support of Local Businesses

- 7.48 This policy sets out to support the development of new businesses within and adjacent to the identified settlement boundaries subject to a series of criteria. It also offers support for rural tourism and other businesses which would benefit the local economy where they are in sustainable locations.
- 7.49 I am satisfied that the first part of the policy is both appropriate and has regard to national policy. Nevertheless, I recommend detailed modifications to the wording used so that it has the clarity required by a development plan policy.
- 7.50 ESC comment that the final element of the policy is unclear in its intentions about development proposals which would bring ‘benefits to the local economy’ and are located in ‘sustainable locations’. As such, it suggests that the policy has the potential to conflict with Policy WLP 1.2 and other policies in the Waveney Local Plan. The BA comment that as submitted the policy has the potential to affect the setting of the Broads insofar as development beyond the settlement boundaries is not controlled or guided by specific policy and criteria.
- 7.51 I sought comments from the QBs on this matter. They advised that:
- ‘The approach is to not inhibit good quality and sustainable business and employment opportunities, since it is understood that communities are enhanced by such opportunities for younger people, and hence promote the ethos of sustainable village communities, with balanced demographics’*
- 7.52 I have considered this matter very carefully. Policy WLP 1.2 of the Waveney Local Plan comments that ‘Settlement boundaries are defined on the Policies Map. Land which is outside of settlement boundaries and allocations in the Local Plan and Neighbourhood Plans is considered as the Countryside. New residential, employment and town centre development will not be permitted in the Countryside except where specific policies in this Local Plan indicate otherwise.’
- 7.53 The 2021 version of the NPPF takes a slightly more nuanced approach and comments that:
- ‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.’ (NPPF 85)*
- 7.54 Taking account of the contents of both national and local planning policies, I recommend that the final part of the policy is deleted. As submitted, the issue which it
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seeks to address is already captured in national planning policy and there is no need for a neighbourhood plan to restate such policy. Moreover, the submitted policy offers no distinctive neighbourhood area-based policy guidance to build on the generality of the approach set out in the NPPF.

**In the first bullet point replace ‘must be’ with ‘is’**

**In the second bullet point replace ‘Employment development must with be in line’ with ‘the employment development concerned should reflect’**

**Delete ‘proposals for rural tourism.....the Plan area’**

Other matters - General

- 7.55 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. It will be appropriate for ESC, the BA and the QBs 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

- 7.56 ESC and the Broads Authority make several detailed comments in their helpful representations on the Plan. I recommend modifications to address the matters raised insofar as they are necessary to ensure that the Plan meets the basic conditions:

*Replace the final sentence of paragraph 5.3 with:*

*‘Residential moorings at Somerleyton Marina are addressed in the Broads Authority’s Local Plan’*

*Delete paragraph 7.2.4 (as it repeats 7.2.3). Renumber Section 7.2 accordingly.*

*Replace paragraph 7.3.5 with:*

*‘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’*

*Insert paragraph numbers into the supporting text linked to Policies LAHS3 and 4.*

*At the end of paragraph 7.5.7 add:*

*'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'*

*Replace the second paragraph of the supporting text for Policy LAHS3 with:*

*'Policy LAHS3 expands and supports the following development plan policies - Local Plan polices WLP8.23 (Protection of Open Space) of the East Suffolk (Waveney) Local Plan and DM7 (Open space on land, play space, sports fields and allotments) of the Broad Authority Local Plan'*

*In paragraph 8.1.1 replace 'mitigate against climate change' with 'mitigate the impact of climate change'.*

## 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 my independent examination of the Plan I have concluded that the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan 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 and the Broads Authority that subject to the incorporation of the modifications set out in this report that the Lound with Ashby, Herringfleet and Somerleyton 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 originally approved by Waveney District Council on 14 September 2016.
- 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**  
**1 February 2022**