



# Oulton Neighbourhood Development Plan Decision Statement

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

**Date of Initial Publication: 25<sup>th</sup> October 2022**

**Updated: 16<sup>th</sup> December 2022**

Changes made: Paragraphs 1.2 and 2.9 added. Council's Further Modifications table added.

## **1. Summary**

- 1.1 Following an independent examination, East Suffolk Council and the Broads Authority confirm that the Oulton Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum, subject to the modifications set out in section 3.
- 1.2 Since this Decision Statement was first published, it was discovered that a Non-Designated Heritage Asset identified in the neighbourhood plan was no longer in place. The Decision Statement has been subsequently updated to reflect the removal of this Non-Designated Heritage Asset.

## **2. Background**

- 2.1 Oulton Parish Council, as the Qualifying Body, successfully applied for the Oulton Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated by (former) Waveney District Council and the Broads Authority on 7<sup>th</sup> December 2018.
- 2.2 The Oulton Neighbourhood Plan was published by Oulton Parish Council for pre-submission consultation (Regulation 14) between 1<sup>st</sup> October 2021 and 26<sup>th</sup> November 2021.
- 2.3 Following the submission of the Oulton Neighbourhood Plan to East Suffolk Council and the Broads Authority the Plan was publicised, and comments invited over an eight-week period from 1<sup>st</sup> October to 26<sup>th</sup> November 2021.
- 2.4 East Suffolk Council and the Broads Authority, with the agreement of Oulton Parish Council appointed an independent examiner, Christopher Lockhart-Mummery KC to examine the Plan and consider whether it met the Basic Conditions required by legislation and whether it should proceed to Referendum.

- 2.5 The Examiner's Report received 21<sup>st</sup> September 2022 concluded that subject to modifications identified in the Report, the Oulton Neighbourhood Plan meets the basic conditions.
- 2.6 The Examiner recommends that subject to the modifications listed in the Report, the Oulton Neighbourhood Plan should proceed to referendum. He further recommends that the referendum area should be the same as the designated neighbourhood area, with there being no substantive evidence to demonstrate otherwise.
- 2.7 Information on the Oulton Neighbourhood Plan can be found at:  
<https://www.eastsuffolk.gov.uk/planning/neighbourhood-planning/neighbourhood-plans-in-the-area/oultton-neighbourhood-area/>
- 2.8 Following receipt of the Examiner's Report, legislation requires that East Suffolk Council and the Broads Authority each consider the modifications recommended, the reasons for them, and decide what action to take. This is set out in the table below. Ahead of this consideration, the Examiner's Report and its findings have been subject to discussion between East Suffolk Council, the Broads Authority and Oulton Parish Council
- 2.9 After the Decision Statement was first published on the 25<sup>th</sup> October it was discovered that a World War II Pill Box (shown as '4a' at Airey Close in the maps at figure 15 and on the Policies Map) is no longer in existence. Accordingly, the Decision Statement has been updated to include changes to remove this from the neighbourhood plan.

### **3. Decision and Reasons**

- 3.1 East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) and the Broads Authority (at the Planning Committee on 14<sup>th</sup> October 2022) have each considered each of the modifications recommended and concur with the reasoning provided by the Examiner in his Report dated 20<sup>th</sup> September 2022. With the Examiner's recommended modifications, East Suffolk Council and the Broads Authority have decided that the Oulton Neighbourhood Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with provision made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.
- 3.2 As a consequence, the submission version of the Oulton Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.
- 3.3 East Suffolk Council and the Broads Authority have considered the referendum area as recommended by the Examiner and has decided there is no reason to extend the neighbourhood area for the purposes of referendum. The Referendum area will be

the same as the designated Neighbourhood Area for the Oulton Neighbourhood Plan.

- 3.4 The list of modifications and actions required are set out in the following table. As a consequence of these changes the Oulton Neighbourhood Plan will be re-published and titled the Oulton Neighbourhood Plan (Referendum Version).



Philip Ridley BSc (Hons) MRTPI  
Head of Planning and Coastal Management

Dated: 14<sup>th</sup> December 2022



Marie-Pierre Tighe  
Director of Strategic Services

Dated: 14<sup>th</sup> December 2022

Examiner's recommended modification	Reason for change (summarised)	Action by ESC and BA
<p><u>Paragraph 50</u></p> <p>Amend the text as follows:</p> <p>'East Suffolk Waveney Local Plan Policy WLP8.28 – Sustainable Construction – requires high environmental standards and sets out examples of how this can be achieved, but without specifying what that standard could be. A Sustainable Construction supplementary planning document <del>is currently under consultation</del> <u>was adopted on 5 April 2022</u> to help guide the implementation of this policy. It is also an opportunity for the Neighbourhood Plan, to be specific as to how to drive-up standards.'</p> <p><u>Paragraph 53</u></p> <p>Amend the text as follows:</p> <p>'The National Planning Policy Framework requires a positive approach to be taken to promoting energy efficiency. In December 2021, the Government announced that from June 2022, the Building Regulations will be changed so that CO2 emissions from new build homes must be around 30% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%5 . It is not possible for neighbourhood plans to set additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings; instead, these must be contained in local plans. East Suffolk Council <del>is preparing a Sustainable Construction Supplementary Planning Document and a consultation was due to start late 2021, and this could also add</del> <u>has</u></p>	<p>To reflect the adoption of the Sustainable Construction supplementary planning document</p>	<p>Agreed: paragraphs 50 &amp; 53 amended as recommended</p>

Examiner’s recommended modification	Reason for change (summarised)	Action by ESC and BA
<p><u>adopted a Sustainable Construction Supplementary Planning Document, and this adds</u> detail to part f of Policy 3. Investment in energy efficiency in new development will have the significant additional benefits of reducing energy costs for the users of new development, as well as carbon savings, and so will apply to apartments as well.’</p>		
<p><u>paragraph 66</u></p> <p>Add text to the last sentence as follows:</p> <p>‘These will also be a <u>potential</u> target for BNG where developers need to deliver improvement offsite.’</p>	<p>To reflect that the delivery of Biodiversity Net Gain in Green Corridors cannot be certain.</p>	<p>Agreed: text amended as recommended</p>
<p><u>Policy 4: Biodiversity and Green Corridors</u></p> <p>Amend the policy text as follows:</p> <ul style="list-style-type: none"> <li>a) ‘Development <u>within the indicative</u> extent of a Green Corridor must deliver measurable net gains in biodiversity which exceed national or local policy requirements or deliver qualitative improvement on site or to the corridor. This should relate to quality of habitat or its ability to facilitate movement of fauna <del>or</del> <b>flora</b>.</li> <li>b) Proposals adjacent <u>to the indicative extent of</u> green corridors must maintain and where possible enhance the function of the corridor and demonstrate how they will mitigate any significant harm to the wildlife using it. Harm is likely to be caused by the introduction of barriers such as housing, roads, hard landscaping</li> </ul>	<p>To reflect that the Green Corridors are indicative only and with blurred boundaries.</p> <p>In the interests of accuracy, reference to flora was removed</p>	<p>Agreed: policy amended as recommended</p>

Examiner’s recommended modification	Reason for change (summarised)	Action by ESC and BA
<p>and artificial lighting, re-direction of resources water sources or water courses, or the insensitive management of habitats e.g. hedge cutting in the bird breeding season.</p> <p>c) Proposals that support improvement to the function of a Green Corridor will be looked upon positively.</p> <p>d) In the parish, if a development, following through the metric related to biodiversity net gain as required by the Environment Act 2021, needs to deliver the net gain off-site, <del>then the requirement will be to deliver this net gain in the identified green corridors, working with local landowners</del> <u>then the first preference will be to deliver this net gain in or adjacent to the indicative extent of the green corridors, working with local landowners’.</u></p>		

**Examiners further commended changes**

These are changes which were commended by the Examiner in his report. They are made under section 12(6) of Schedule 4B of the Town and Country Planning Act 1990, the Broads Authority and East Suffolk Council consider that the following modifications are also needed in order that the Plan meets the basic conditions or for the correction of errors.

Change	Reason for change	Action by ESC and BA
<p>More detailed maps of the Local Green Spaces to be added.</p>	<p>To provide more detailed maps to make it easier to determine precisely what area each one covers.</p>	<p>Agreed: maps included at Appendix C</p>
<p><u>Paragraph 102</u></p>	<p>To reflect the Cycling and Walking Strategy adoption would be in autumn 2022.</p>	<p>Agreed and text updated</p>

Change	Reason for change	Action by ESC and BA
<p>After the first sentence add the following text:</p> <p>'East Suffolk Council is currently preparing a Cycling and Walking Strategy for East Suffolk, building on the existing Waveney Cycle Strategy (adopted in 2016). <a href="#">The consultation on the draft strategy took place between November 2021 and January 2022 and adoption is expected in autumn 2022.</a> Cycling and walking opportunities were shared...'</p>		

### Council's Further Modifications

Under section 12(6)(e) of Schedule 4B of the Town and Country Planning Act 1990, the Broads Authority and East Suffolk Council consider that the following modifications are also needed for the correction of errors.

Change	Reason for change	Action by ESC and BA
<p><u>Policy 8: Heritage Assets</u></p> <p>Amend bullet point 4 as follows: WW2 pillbox<del>es</del> and anti-tank blocks</p>	To reflect that there is only one pillbox identified as a Non-Designated Heritage Asset.	Agreed: policy amended as recommended.
<p><u>Figure 15: Non-designated Heritage Assets</u></p> <p>Remove pillbox 4a at Airey Close and update legend to refer to a singular Pillbox</p>	To reflect that the Pillbox near Airey Close is no longer there and there is only one Pillbox on the map.	Agreed: map amended as recommended.

Change	Reason for change	Action by ESC and BA
<u>Appendix A – Policies Map</u>  Remove the Pillbox near Airey Close from the map.	To reflect that the Pillbox near Airey Close is no longer there.	Agreed: map amended as recommended.