



# Rushmere St Andrew Neighbourhood Plan Decision Statement

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

**Date of Publication: 11<sup>th</sup> January 2023**

## **1. Summary**

1.1 Following an independent examination, East Suffolk Council now confirms that the Rushmere St Andrew Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum subject to the modifications set out in section 3.

## **2. Background**

2.1 Rushmere St Andrew Parish Council, as the Qualifying Body, successfully applied for Rushmere St Andrew Parish to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The [Neighbourhood Area](#) was designated by East Suffolk Council on 26<sup>th</sup> February 2020.

2.2 The Rushmere St Andrew Neighbourhood Plan was published by Rushmere St Andrew Parish Council for pre-submission consultation (Regulation 14) between 18<sup>th</sup> September 2021 and 1<sup>st</sup> November 2021.

2.3 Following the submission of the Rushmere St Andrew Neighbourhood Plan ([submission version](#)) to East Suffolk Council the Plan was publicised and comments invited over an eight week period commencing on 11<sup>th</sup> April, closing on 6<sup>th</sup> June 2022.

2.4 East Suffolk Council, with the agreement of Rushmere St Andrew Parish Council, appointed an independent examiner, Andrew Ashcroft BA (hons) MA DMS MRTPI, to examine the Plan and to consider whether it met the Basic Conditions required by legislation and whether it should proceed to Referendum.

2.5 The [Examiner's Report](#) received 22<sup>nd</sup> August 2022 concluded that subject to modifications identified in the Report, the Rushmere St Andrew Neighbourhood Plan meets the basic conditions. He further recommends that the referendum area should be the same as the neighbourhood area as designated on 26<sup>th</sup> February 2020.

2.6 Following receipt of the Examiner's Report, legislation requires that East Suffolk Council consider each of the modifications recommended, the reasons for them, and decide what action to take. This is set out below and in the table appended to this Decision Statement. Ahead of this consideration, the Report and its findings have been considered between the Council and Rushmere St Andrew Parish Council.

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

3.1 East Suffolk Council, under powers delegated to the Head of Planning and Coastal Management, has considered each of the modifications recommended. The Council concurs with the reasoning and modifications provided by the Examiner in his Report dated 22<sup>nd</sup> August 2022, with the exception of one.

3.2 One of the Examiner's recommended modifications related to amending the text in paragraph 2 of Policy RSA9 'Design Considerations' as follows (Examiner's proposed wording shown underlined):

"In addition to having regard to the National Model Design Code, all planning applications in the Street Special Character Area should demonstrate how they satisfy the requirements of the Development Design Principles in Appendix 2 of the Neighbourhood Plan, as appropriate to the proposal."

3.3 Following receipt of the Examiner's Report, Rushmere St Andrew Parish Council indicated to East Suffolk Council that Appendix 2 in the Submission Draft Neighbourhood Plan was incorrectly titled, and should apply to the full Neighbourhood Plan area not just The Street Special Character Area. The Council agreed with this view. In the Council's view neither paragraph 8.3 of the Submission Draft Neighbourhood Plan, supporting text to policy RSA9, or the Design Guidelines and Codes (March 2021) indicate that Appendix 2 would apply to any other geography than the whole of Rushmere St Andrew Parish. The Council therefore proposed to reject the Examiner's proposed modification to paragraph 2 of policy RSA9 and to instead correct the title of Appendix 2 from 'The Street Special Character Area' to 'Development Design Checklist'.

3.4 Under section 13(1) of Schedule 4B to the Town and Country Planning Act 1990 in certain circumstances where the local authority propose to make a decision which differs to that recommended by the Examiner they must notify the prescribed persons and invite representations.

3.5 The Council therefore consulted on its proposal to make a decision that differed from that recommended by the Examiner under Regulation 17A of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation was held for a period of six weeks between 11<sup>th</sup> October and 23<sup>rd</sup> November 2022. The Council received seven responses in total which are each summarised and

considered in the Regulation 17A Consultation Statement. Full copies are also published separately.

- 3.6 Under section 13(2) of Schedule 4B to the Town and Country Planning Act 1990 if the authority consider it appropriate to do so, they may refer the issue to independent examination. Having reviewed the consultation responses received, and also having given consideration to whether the matter raises any new issues in relation to the basic conditions or any new issues regarding the relationship with Policy RSA 8 'Rushmere St Andrew Village Special Character Area', the Council does not consider further examination is appropriate. Each of the consultation responses either support or make no comments on the Council's proposal to reject the Examiner's recommended modification. The Council's final decision is therefore to reject the Examiner's proposed modification to paragraph 2 of policy RSA9 and to instead correct the title of Appendix 2 to 'Development Design Checklist'.
- 3.7 The Council has also identified a small number of further modifications to the Plan which are considered necessary for consistency with the Examiner's modifications, to meet the basic conditions or to correct errors.
- 3.8 With the Examiner's recommended modifications (with the exception of the one recommendation the Council disagrees with as described above in paragraphs 3.2 – 3.6) and other recommended modifications, East Suffolk Council has decided that the Rushmere St Andrew Neighbourhood Plan meets the Basic Conditions mentioned 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 Section 38A and 38B of the Planning and Compulsory Purchase Act 2004. As a consequence, the submission version of the Rushmere St Andrew Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.
- 3.9 East Suffolk Council has 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 Rushmere St Andrew Neighbourhood Plan.
- 3.10 The list of modifications and actions required are set out in the following tables. As a consequence of these changes the Rushmere St Andrew Neighbourhood Plan will be re-published and titled the Rushmere St Andrew Neighbourhood Plan (Referendum Version).



Philip Ridley BSc(Hons) MRTPI

Head of Planning and Coastal Management

Dated: 3 January 2023

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><b>Paragraph 1.4</b> At the end of paragraph 1.4 add <a href="#">‘The plan period is 2018 to 2036.’</a></p>	<p>For clarity the plan period needs to be covered in the text.</p>	<p>Agreed. Text added to the end of paragraph 1.4</p>
<p><b>Policy RSA1 – Planning Strategy</b> In the third part of the policy replace <del>‘District level’</del> with <a href="#">‘Suffolk Coastal Local Plan’</a></p>	<p>Because it is the Suffolk Coastal Local Plan that is the relevant Local Plan for Rushmere St Andrew.</p>	<p>Agreed. Policy amended as recommended.</p>
<p><b>Policy RSA2 – Land at Humber Doucy Lane</b> In the first sentence of the policy replace <del>‘development shall’</del> with <a href="#">‘development proposals should.’</a></p>	<p>To ensure that the neighbourhood plan wording is more closely related to the development management process.</p>	<p>Agreed. Policy amended as recommended.</p>
<p><b>Policy RSA3 – Protection of Landscape Character and Important Views</b> Replace the opening element of the policy with <a href="#">‘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.’</a>  In Criterion ii), replace <del>‘detrimental’</del> with <a href="#">‘unacceptable’</a>.</p>	<p>To ensure that the text has the clarity required by the NPPF and to give greater certainty when applied in the DM process.  To provide greater flexibility.</p>	<p>Agreed. The opening element of the policy has been replaced.  Agreed. Criterion ii) has been amended.</p>
<p><b>Policy RSA4 – Protection of Trees, Hedgerows and Other Natural Features</b> Replace the second paragraph of the policy with: <a href="#">‘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.’</a></p>	<p>To ensure that the second part of the policy is more closely related to the first part and has the clarity required by the NPPF. This will allow the policy to be implemented through the NPPF in a more transparent fashion.</p>	<p>Agreed. Text has been amended as recommended.</p>

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<p><b>Paragraph 6.18 (supporting text to Policy RSA5 – Settlement Gaps)</b>            At the end of paragraph 6.18 add  <a href="#">‘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.’</a></p>	<p>To ensure clarity and to explain the relationship between Suffolk Coastal Local Plan policy SCLP12.22 (Recreation and Open Space in Rushmere) and neighbourhood plan policy RSA5.</p>	<p>Agreed. Text has been amended as recommended.</p>
<p><b>Policy RSA6 – Local Green Spaces</b>            Insert an additional paragraph at the end of the policy to read:  <a href="#">‘Development proposals within the designated local green spaces will only be supported in very special circumstances.’</a></p>	<p>To directly explain the policy implications of local green space designation.</p>	<p>Agreed. Text has been amended as recommended.</p>
<p><b>Paragraph 6.23 (supporting text to Policy RSA6 – Local Green Spaces)</b>            At the end of paragraph 6.23 add: <a href="#">‘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’</a></p>	<p>To explain how development proposals that affect local green space designations will be decided on a case-by-case basis by East Suffolk Council. This will enable the Council to make an informed judgement on the extent to which the proposal demonstrates the ‘very special circumstances’ required by the policy.</p>	<p>Agreed. Text has been amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><b>Policy RSA7 – Non-Designated Heritage Assets</b>            Replace the opening element of the first part of the policy with:  <a href="#">‘The Plan identifies the following buildings as shown on the Policies Map as non-designated heritage assets.’</a></p>	<p>To simplify the policy and prevent a conflict between the first part of the policy and the approach taken in policy SCLP11.6.</p>	<p>Agreed. Text has been amended as recommended.</p>
<p><b>Policy RSA8 – Rushmere St Andrew Village Special Character Area</b>            In the first part of the policy replace <del>‘consideration should be given as to how a proposal enhances the distinct characteristics of the identified area as illustrated in Appendix 1’</del> with <a href="#">‘development proposals should respond positively to the distinctive characteristics of the identified area as illustrated in Appendix 1.’</a></p> <p>Replace the second part of the policy with <a href="#">‘Development proposals which would cause unacceptable harm to the character and appearance of the Special Character Area will not be supported.’</a></p> <p>At the end of paragraph 7.5 add: <a href="#">‘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</a></p>	<p>To bring clarity as required by the NPPF for development management purposes. The change requires that the relationship between the proposal and the character area is made more explicit.</p> <p>To bring clarity as required by the NPPF for development management purposes. To simplify the approach taken in the second part of the policy.</p> <p>To make reference to the public benefits of any proposal in the supporting text rather than the policy.</p>	<p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><a href="#">development will be considered against the harm which may arise.'</a></p>		
<p><b>Policy RSA9 – Design Considerations</b>            In the second part of the policy insert <a href="#">‘in The Street Special Character Area’</a> between ‘planning applications’ and ‘should’.</p> <p>Replace the opening element of the third part of the policy with: <a href="#">‘In addition, and as appropriate to their scale, nature and location, proposals will be supported where:’</a></p> <p>Replace criterion b) with: <a href="#">‘they protect and where practicable enhance open, green or landscaped</a></p>	<p>To make clear that this part of the policy refers to The Street Special Character Area.</p> <p>To enable the policy to be applied in a more proportionate way.</p> <p>To provide the clarity required by the NPPF.</p>	<p>See paragraphs 3.2 – 3.6 of Decision Statement. Following receipt of the Examiner’s report Rushmere St Andrew Parish Council indicated that Appendix 2 in the Submission Draft Neighbourhood Plan (to which this paragraph of RSA9 applies) was incorrectly titled, and should apply to the full Neighbourhood Plan area not just The Street Special Character Area. The Council agreed with this view. Following a further consultation under section 13(1) of Schedule 4B to the Town and Country Planning Act 1990 the Council has decided not to accept to this recommended modification. Instead a correction is made to the title of Appendix 2 (see table of Council’s further modifications below).</p> <p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><a href="#">areas in the immediate locality which make a positive contribution to the character and appearance of the parish'</a></p> <p>In criterion d) add <a href="#">'where practicable'</a> after 'within the plot'</p>	<p>To provide the clarity required by the NPPF.</p>	<p>Agreed. Text has been amended as recommended.</p>
<p><b>Policy RSA10 – Parish Services and Facilities</b></p> <p>In the first part of the policy delete <del>'Aries Business Park'</del> from the list of facilities.</p> <p>In the third part of the policy replace <del>'significant adverse'</del> with <a href="#">'unacceptable'</a>.</p>	<p>Inclusion of 'Aries Business Park' would not be consistent with the definition of community facilities and assets as set out by Suffolk Coastal Local Plan, paragraph 8.1.</p> <p>To allow East Suffolk Council a degree of flexibility when assessing such proposals.</p>	<p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p>
<p><b>Policy RSA11 – Open Space, Sport and Recreation Facilities</b></p> <p>In the first part of the policy delete <del>'and will not result in car parking on nearby roads'</del></p> <p>In the second part of the policy replace <del>'allowed'</del> with <a href="#">'supported'</a>.</p> <p>In the third part of the policy replace <del>'needs of the settlement where the development is taking place'</del> with <a href="#">'the needs of the wider community'</a></p>	<p>East Suffolk Council and Rushmere St Andrew Parish Council cannot control the way in which drivers choose to park their cars.</p> <p>To provide the clarity required by the NPPF.</p> <p>To acknowledge that recreation proposals may serve a wider area than either a community or parish.</p>	<p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>In the fourth part of the policy replace <del>'the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide'</del> with <u>'housing, office, retail and other commercial and mixed development should provide'</u>.</p> <p>In the fifth part of the policy replace the two uses of <del>'must'</del> with <u>'should'</u>.</p> <p>Replace the final part of the policy with: <u>'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.'</u></p>	<p>To provide the clarity required by the NPPF.</p> <p>To provide the clarity required by the NPPF.</p> <p>To ensure that the element of the policy about flood lighting is crafted in a positive rather than a negative way.</p>	<p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p>
<p><b>Policy RSA12 – Public Rights of Way</b></p> <p>Replace the policy with: <u>'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.'</u></p>	<p>To ensure that the policy has the clarity required by the NPPF and to ensure that it relates more closely to the development management function. The proposed modification will also enable the policy to be applied on a proportionate basis.</p>	<p>Agreed. Text has been amended as recommended.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>At the end of paragraph 10.19 add: <a href="#">'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.'</a></p>	<p>To clarify that the support offered by the policy applies where other development plan policies are met. Otherwise, the policy could have unintended consequences.</p>	<p>Agreed. Text has been amended as recommended.</p>
<p><b>Other Matters – General</b></p> <p>Paragraph 7.71 of the Examiner's report also states '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).'</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p>	<p>To ensure the text of the Plan reflects the stage it has reached.</p> <p>To achieve consistency with the modified policies.</p>	<p>Agree. Relevant changes made. These include updating the title, date, contents page numbering, flow chart on page 6 and paragraph 1.12.</p> <p>Agree. Relevant changes made.</p>
<p><b>Other Matters – Specific</b></p>		

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p><b>Paragraph 3.7</b> – Insert full stop after '(See Chapter 5)'. Thereafter replace <del>'and the.... this allocation'</del> with <u>'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'</u></p> <p><b>Paragraph 5.5</b> - After 'Ipswich Local Plan' add <u>'adopted in March 2022'</u>. At the end of the final sentence add <u>'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'</u>.</p> <p><b>Settlement Boundary</b> – Ensure that the Settlement Boundary in the Plan is consistent with that shown on the Local Plan policies map.</p> <p><b>Parish Boundary</b> – Correct minor errors on Map 2 (page 15) Map 3 (page 20) and Map 5 (page 39).</p>	<p>To ensure that the Neighbourhood Plan meets the basic conditions.</p> <p>To ensure that the Neighbourhood Plan meets the basic conditions.</p> <p>To ensure that the Neighbourhood Plan meets the basic conditions.</p> <p>To ensure that the Neighbourhood Plan meets the basic conditions.</p>	<p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Text has been amended as recommended.</p> <p>Agreed. Maps to be amended as recommended.</p> <p>Agreed. Maps to be amended as recommended.</p>

## Council's further modifications

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

Policy/Supporting Text	Reason for change	Action by ESC
<b>Map 5</b> Map 5 title should be amended - 'Proposed Quiet Lanes'	For consistency with the keys on the Policies Maps.	The title of Map 5 has been amended to read 'Quiet Lanes'
<b>Appendix 2</b> Appendix 2 should be titled ' <a href="#">Development Design Checklist</a> '	To correct an error	Agreed. The title of Appendix 2 has been corrected to 'Development Design Checklist'. See also paragraphs 3.2 – 3.6 of this Decision Statement.
<b>The Street Inset Map</b> The Street Inset Map should include Special Character Area (RSA 8) with the key.	To correct an error	The key has been modified to include reference to the Special Character Area (RSA 8).
<b>The Street Inset Map</b> Add The Old School (Community Hub) to the map as a Non-Designated Heritage Asset.	To correct an error. The Old School (Community Hub) is listed by policy RSA7 as a Non-Designated Heritage Asset and this should be shown on the map.	The Street Inset Map has been amended to include the Old School (Community Hub) as a Non-Designated Heritage Asset.
<b>The Street Inset Map</b> Make non-designated heritage assets more prominent on The Street Inset Map.	To make non-designated heritage assets easier to identify.	The Street Inset Map has been amended to that non-designated heritage assets are more prominent.
<b>The Street Inset Map</b> Correct the area shown as designated by policy SCLP12.22 (Recreation and Open Space in Rushmere) so that it reaches the settlement boundary and includes Rushmere Street and the entrance to Ipswich School Sports Centre.	To ensure consistency with the Suffolk Coastal Local Plan policies map and to correct an error in the key.	The Street Inset Map has been amended so that the area shown as designated by policy SCLP12.22 is consistent with the Local Plan policies map. The policy reference has been added to the key.

Policy/Supporting Text	Reason for change	Action by ESC
The policy title also to be corrected in the key.		
<b>Policies Map North, Policies Map South and Village Inset Map</b> Amend key for each map so that for policy RSA10 it refers to <a href="#">Parish Services and Facilities</a> not <del>Village Services and Facilities</del> .	To ensure consistency between the title of policy RSA10 and the key to each of the policies maps.	Agreed. Key to each policies maps to be amended to read 'Parish Services and Facilities'.
<b>Policies Map North, Policies Map South and The Street Inset Map</b> The keys should include the policy references as well as the titles	To correct an error	Policy references have been added to the keys
<b>Policies Map South</b> Remove the orange shading at the two shops on 696 - 698 Foxhall Road	To correct an error - the shops are not listed in the policy	Orange shading has been removed from map at 696 - 698 Foxhall Road
<b>Policies Map South</b> The key should show 'Open Space, Sport and Recreation facility' as green boundary rather than shaded.	To correct an error	Key has been corrected to show green outline rather than shading.
<b>Policies Map South</b> Local Green Space Allocation RSA6 – 11 (Brookhill Way Open Space) should accurately display the area as shown in the 'Appraisal of Local Green Spaces'.	To correct an error and ensure that this area of local green space has been displayed accurately.	The map has been amended so that RSA6-11 is now correctly displayed.