

FULL COUNCIL Wednesday, 28 June 2023

Subject	Rushmere St Andrew and Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plans	
Report of	Councillor Kay Yule	
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Is the report Open or Exempt?	OPEN
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Category of Exempt	Not applicable
Information and reason why it	
is NOT in the public interest to	

disclose the exempt	
information.	
Wards Affected:	Bungay & Wainford
	Carlford & Fynn Valley
	Rushmere St Andrew

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to "make" the Rushmere St Andrew Neighbourhood Plan and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan part of the Development Plan for East Suffolk following positive results of the Referendums on 4th May 2023. The Referendum questions asked:

"Do you want East Suffolk Council to use the Rushmere St Andrew/Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan to help it decide planning applications in the Neighbourhood Area?"

More than 50% of those voting in each Referendums voted "YES" to the question and East Suffolk Council must now "make" the Neighbourhood Plans, unless it considers the Neighbourhood Plans would breach or be incompatible with any EU obligation or any of the Convention Rights.

Once "made" by East Suffolk Council, the Neighbourhood Plans will become part of the Development Plan for East Suffolk and sit alongside the adopted East Suffolk Council Suffolk Coastal Local Plan (in the case of the Rushmere St Andrew Neighbourhood Plan) and East Suffolk Council Waveney Local Plan (in the case of the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan). The Development Plan is used to determine planning applications.

Options:

None. Neighbourhood planning Regulations state that the Council must make the plans within eight weeks of the day after the referendum, unless it considers the Neighbourhood Plan would breach or be incompatible with any EU obligation or any of the Convention Rights. No breaches or incompatibilities have been identified, therefore there are no alternative options available to the Council.

Recommendation:

That the Council make the Rushmere St Andrew Neighbourhood Plan (Referendum version, December 2022) and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (Referendum Version, February 2023) part of the statutory Development Plan for East Suffolk for the whole of the Rushmere St Andrew Neighbourhood Area and the whole of the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Area, respectively.

Corporate Impact Assessment

Governance:

Once made, the Neighbourhood Plans will form part of the development plan and will be a statutory consideration in determining planning applications in each of the Neighbourhood Areas.

ESC policies and strategies that directly apply to the proposal:

The Neighbourhood Plans are in general conformity with the relevant strategies of the East Suffolk Council Suffolk Coastal Local Plan (in the case of the Rushmere St Andrew Neighbourhood Plan) and the East Suffolk Council Waveney Local Plan (in the case of the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan). This is something the Neighbourhood Plans have been tested against at Examination.

Environmental:

Individual policies in the Neighbourhood Plans contribute to achieving objectives in relation to the natural environment which will support the delivery of the Environment priorities in the Strategic Plan. For example, the Rushmere St Andrew Neighbourhood Plan includes policies which protect local green spaces; protect trees, hedgerows and other natural features; protect and enhance biodiversity; protect gaps between settlements and preserve important views.

The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan contains policies which protect biodiversity and the natural environment as part of new developments and support renewable energy.

Equalities and Diversity:

An Equality Impact Assessment (ref: EQIA520669048) has been carried out for the Rushmere St Andrew Neighbourhood Plan. A positive impact was identified with respect to the protected characteristic of age. No negative impacts on those with protected characteristics were identified and no mitigating actions were identified/required.

Equality Impact Assessment (ref: EQIA520869909) has been carried out for the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan. A positive impact was identified with respect to the protected characteristics of socio-economic disadvantage. No negative impacts on those with protected characteristics were identified and no mitigating actions were identified/required.

Financial:

In accordance with the Community Infrastructure Levy (CIL) Regulations, Parish/Town Councils with a made neighbourhood plan in place will receive 25% of CIL receipts from liable development schemes permitted after the neighbourhood plan is made. For towns and parishes with no made Neighbourhood Plan, they will receive 15% of CIL receipts (further details on CIL can be found via the following link:

http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/). East Suffolk

Council is entitled to Neighbourhood Planning Grant of £20,000 from the Government for each of the two Neighbourhood Plans.			
Human Basaurasa			
Human Resources:			
No impacts.			
ICT:			
No impacts			
Legal:			
 A legal challenge can be made in relation to: a) The Council declining to make a Neighbourhood Plan which has been successful at referendum within eight weeks. (Unless agreed with the qualifying body or if the plan is considered to breach the EU obligations or convention rights). Proceedings must be bought within six weeks of the day the decision is published. b) The conduct of the referendum. Proceedings must be bought by a claim for judicial review filed within six weeks beginning the day on which the results are published. 			
Risk:			
There are no anticipated risks in relation to the implementation of the recommendation.			
Both of the neighbourhood plans have been subject to extensive consultation throughout the course of their preparation. This has included consultation with the community as a whole: statutory			

consultees; and a broad range of other interested parties. Details of the consultation processes can be found in the respective Consultation Statements in the Background Reference Papers.

Strategic Plan Priorities

External Consultees:

Select the priorities of the <u>Strategic Plan</u> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)			Secondary priorities
T01	T01 Growing our Economy		
P01	Build the right environment for East Suffolk		×
P02	Attract and stimulate inward investment		
P03	Maximise and grow the unique selling points of East Suffolk		×
P04	Business partnerships		
P05	Support and deliver infrastructure		
T02	Enabling our Communities		
P06	Community Partnerships		\boxtimes
P07	Taking positive action on what matters most		×
P08	Maximising health, well-being and safety in our District		
P09	Community Pride	\boxtimes	

T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services		
P11	Making best use of and investing in our assets		
P12	Being commercially astute		
P13	Optimising our financial investments and grant opportunities		
P14	Review service delivery with partners		
T04	Delivering Digital Transformation		
P15	Digital by default		
P16	Lean and efficient streamlined services		
P17	7 Effective use of data		
P18	8 Skills and training		
P19	District-wide digital infrastructure		
T05	Caring for our Environment		
P20	Lead by example		
P21	1 Minimise waste, reuse materials, increase recycling		
P22	2 Renewable energy		
P23	3 Protection, education and influence □ ☑		\boxtimes
XXX	Governance		
XXX	How ESC governs itself as an authority		

How does this proposal support the priorities selected?

Both of the neighbourhood plans include the respective community's vision and set out how this will be delivered. This supports P09 'Community Pride' by promoting involvement, participation and positive action in the respective communities and delivering their collective vision and objectives.

P01 'Build the Right Environment for Suffolk' is directly supported by enabling an inclusive approach to shaping communities, set out in each neighbourhood plan. In turn, these will positively promote the delivery of the Council's strategies for growth and place making. The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan includes a policy supporting housing development within the settlement boundaries of the Local Plan with criteria on infill development and 'backland' development. The plan includes policies guiding density and design of new housing development.

The Rushmere St Andrew Neighbourhood Plan supports P01 by accommodating growth that is commensurate with that designated in the Suffolk Coastal Local Plan. The Neighbourhood Plan includes a suite of policies that protect the landscape and character of the area, including protecting features such as trees and hedges and settlement gaps. Neighbourhood Plan policies also promote high quality design and give protection to heritage assets, green spaces and playing fields. The Neighbourhood Plan also includes policies that encourage walking and cycling. The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan supports priority P01 as it includes a policy that provides a criteria for new business development including retail development and agricultural buildings. Furthermore, the plan includes policies supporting renewable energy projects, protecting and enhancing heritage assets, including non-designated heritage assets allocated in the plan itself, provide criteria for connecting, improving and/or preserving cycling and walking connections and policy restricting rural tourism.

The Rushmere St Andrew Neighbourhood Plan supports P03 because it includes policies that protect the setting of the village, as well as key landscape features. The plan seeks to protect trees and hedgerows and gaps between Rushmere St Andrew and neighbouring settlements. The Rushmere St Andrew Neighbourhood Plan includes a policy that identifies and seeks to protect Non-Designated Heritage Assets, which are buildings of local significance. The Shadingfield, Sotterley, Willingham and Ellough plan includes policies which protect wildlife habitats, the landscape, and heritage assets, thereby supporting priority P03.

The Rushmere St Andrew Neighbourhood Plan Vision supports P05 by stating that the village will be a desirable location for families because of facilities for children and young people. Rushmere St Andrew will also be desirable for businesses to locate to because of its outstanding infrastructure, facilities and access to transport networks. The Vision also seeks to develop environmentally friendly infrastructure and transport options. Policy RSA11 includes the protection, enhancement and provision of open space, sport and recreation facilities.

The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan supports priority P05 'Support and Deliver Infrastructure' by providing criteria for highway access for new development and a criteria for connecting, improving and/or preserving cycling and walking connections. The business development policy also encourages improved 4G/5G connections. The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan also sets out actions to improve infrastructure within the neighbourhood area.

P06 'Community Partnerships' are supported in the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan by setting out a community cohesion action.

The Rushmere St Andrew Neighbourhood Plan supports P06 by identifying several community aspirations. These are issues of importance to the local community. Rushmere St Andrew Parish Council will seek to address community aspirations by working with the community, and in some cases in partnership with other organisations.

The neighbourhood plans are both excellent examples of community-led planning which directly supports P07 'Taking Positive Action on What Matters Most'. Neighbourhood plans enable communities to plan to meet their own needs. Community participation in the preparation of the Neighbourhood Plans will engender a sense of community pride in the neighbourhood area and this supports P09 'Community Pride'.

Supporting and delivering neighbourhood plans means the Council is eligible for £20,000 of Neighbourhood Planning Grant from the Government for each neighbourhood plan. This supports priority P13 'Optimising our Financial Investments and Grant Opportunities'

The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan contains policies which promote protection and enhancement of wildlife habitats and landscape in terms of biodiversity; green corridors and protecting trees and hedgerows amongst others. Making the neighbourhood plans will support priority P23 'Protection, Education and Influence' by using the Council's policy-making function to enable communities to achieve a cleaner and healthier environment. The Rushmere St Andrew Neighbourhood Plan contains policies that guide development so that it protects the character of the area, the local landscape and important features such as trees and hedgerows. The plan also includes policies that ensure the protection and enhancement of biodiversity as part of the development process. Together this suite of policies supports priority P23 by using planning to give greater control to local communities and enable them to achieve a cleaner and healthier environment.

Background and Justification for Recommendation

1	Background facts
1.1	Neighbourhood Plans were introduced by the Localism Act in 2011. They allow communities to write their own plan containing planning policies which, once 'made', form part of the development plan and are used alongside the East Suffolk Local Plans and national planning policy. Consideration of the development plan is a statutory element of determining planning applications. Neighbourhood plans also commonly include non-policy actions which reflect the community's aspirations but are not suitable as planning policies. More information on each plan is included below and full versions can be found in the Appendices.
1.2	Rushmere St Andrew and Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plans, have each taken up the opportunity to produce a neighbourhood plan for their community. The plans have been developed by the community with the Parish Councils being the 'Qualifying Body'. The plans have been through several stages of consultation, including statutory consultations, and an Examination carried out by an independent examiner. The Examiners recommended that each neighbourhood plan proceed to a Referendum. The Referendums took place on 4 th May 2023. The questions asked at the Referendums were: Do you East Suffolk Council to use the Neighbourhood Plan for Rushmere St Andrew to help it decide planning applications in the neighbourhood area?" and "Do you want East Suffolk Council to use the Neighbourhood Plan for Shadingfield, Sotterley, Willingham and Ellough to help it decide planning applications in the neighbourhood area?" For the Rushmere St Andrew neighbourhood plan, 1,449 people voted 'yes' and 186 people voted 'no'. The referendum outcome was therefore positive. The turnout was 32.6%. For the Shadingfield, Sotterley, Willingham and Ellough neighbourhood plan, 116 people voted 'yes' and 18 people voted 'no'. The referendum outcome was therefore positive. The turnout was 39.2%.
1.3	The neighbourhood plans will become formally part of the Development Plan for East Suffolk once they are made. East Suffolk Council is required to make the Neighbourhood Plans within 8 weeks of the day following the Referendum, unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention of Rights. No such breaches or incompatibilities have been identified for the Neighbourhood Plans.
1.4	Areas with a made neighbourhood plan benefit from a greater proportion of the 'Community Infrastructure Levy' (CIL) where this is payable. The CIL is a tariff paid by liable forms of development and it is calculated using the development's floor area. CIL is paid to the Council by the developer. A proportion of this money is then paid directly to the Parish or Town Council on a bi-annual basis. Parish or

Town Councils receive 25% of CIL receipts where there is a made Neighbourhood Plan in place, or 15% without. The CIL regulations apply a cap to the annual amount of CIL transferred to Parish or Town Councils where there is no neighbourhood plan in place. It is capped at £100 per dwelling (indexed for inflation). There is no cap on the 25% transferred when a made neighbourhood plan is in place.

- 1.5 The neighbourhood area for the Rushmere St Andrew Neighbourhood Plan covers the entire Parish of Rushmere St Andrew. The plan addresses a wide range of topics which are important to the local community. Planning policies in the plan relate to:
 - Protection of landscape and important views
 - Protection of natural features, including trees and hedgerows
 - Protection of gaps between settlements
 - Protection of local green spaces
 - Protection of the historic environment and design guidance
 - Parish services and facilities
 - Open space, sport and recreation facilities
 - Public rights of way
- 1.6 The neighbourhood area for the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan covers the entire parishes of Shadingfield, Sotterley, Willingham and Ellough, the plan area also includes a small area of Redisham parish which was transferred from Shadingfield to Redisham in the Community Governance Review 2023. Planning policies in the plan relate to:
 - Supporting homes to meet local needs
 - Protecting the natural environment
 - Supporting renewable energy
 - Protecting heritage assets
 - Protecting community facilities
 - Providing sustainable transport and improved highway safety
 - Guiding business development
- 1.7 Rushmere St Andrew and Shadingfield, Sotterley, Willingham and Ellough Parish Council's engaged with their local communities in producing their plans. This process is documented in their Consultation Statements (see Background Reference Papers). Following this, the neighbourhood plans were submitted to East Suffolk Council. East Suffolk Council then publicised the plans and invited comments. For the Rushmere St Andrew Neighbourhood Plan this took place over the period of 11th April to 6th June 2022. For the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan this took place between 13 July 2022 and 7 September 2022. Following these periods of publicity, East Suffolk Council, with the agreement of the Parish/Town Council, appointed an independent Examiner to examine the neighbourhood plans. The role of the Examiner is to ensure the Neighbourhood Plan meets the relevant legislative and procedural requirements. Testing against the 'Basic Conditions' set out in the Town and Country Planning Act 1990 is the main element of this.

Andrew Ashcroft BA (Hons) M.A. DMS MRTPI was appointed to examine the Rushmere St Andrew Neighbourhood Plan. He issued his Report in August 2022 (see Background Reference Papers) and concluded that subject to modifications the Rushmere St Andrew Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.

Janet L Cheesley BA (Hons) DipTP MRTPI was appointed to examine the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan. She issued her report in November 2022 (see Background Reference Papers) and also concluded that subject to modifications the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.

In each case the examiner concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.

1.8 East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) considered each of the examiner's recommended modifications, in consultation with the Parish Councils. In the case of Shadingfield, Sotterley, Willingham and Ellough the Council agreed with all of the Examiner's recommended modifications.

In the case of Rushmere St Andrew, the Council agreed with all of the Examiner's recommended modifications bar one. In this instance, consultation was held on an alternative modification and following consideration of responses received the Council concluded that the alternative proposed modification was appropriate.

These considerations are set out in the Decision Statements for each neighbourhood plan (see Background Reference Papers). The Decision Statement for the Rushmere St Andrew Neighbourhood Plan was published in January 2023. The Decision Statement for the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan was first published in December 2022 and then updated in February 2023 to make some minor amendments. The Referendums were then held on 4th May 2023 and, as covered above, both Neighbourhood Plans were successful.

2 Current position

2.1 The Rushmere St Andrew Neighbourhood Plan and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan have both successfully passed their Referendums which took place on 4th May. Legislation states that the Council must make a Neighbourhood Plan within 8 weeks of the day after a successful Referendum, unless it considers that this would breach or be incompatible with any EU obligation or any of the Convention of Rights.

3 How to address current situation

3.1 The Council should make the Rushmere St Andrew Neighbourhood Plan and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan.

4 Reason/s for recommendation

4.1 Following a successful Referendum, the Council must make a Neighbourhood Plan within 8 weeks of the day following the Referendum unless it considers that this would breach or be incompatible with any EU obligation or any of the Convention of Rights. There are no indications of breaches or compatibility issues therefore the Council must make the Neighbourhood Plans.

Appendices

Appendices:		
Appendix A	Rushmere St Andrew Neighbourhood Plan (Referendum Version December	
	2022)	
Appendix B Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan		
	(Referendum Version February 2023)	

Background reference papers:			
Date	Туре	Available From	
March 2022	Rushmere St Andrew Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood- Areas/Rushmere/Consultation-Statement.pdf	
August 2022	Rushmere St Andrew Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood- Areas/Rushmere/Examiners-report.pdf	
January 2023	Rushmere St Andrew Neighbourhood Plan Additional Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood- Areas/Rushmere/Additional-Focused- Consultation/2022.12.30-FINAL-Consultation-Statement.pdf	
January 2023	Rushmere St Andrew Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood- Areas/Rushmere/Referendum/Rushmere-Decision- Statement.pdf	
June 2022	Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood-Areas/Shadingfield- Sotterley-Willingham-and-Ellough/Submission- Consultation/SSWE-NDP-Consultation-Statement.pdf	

	Consultation Statement	
November 2022	Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood-Areas/Shadingfield- Sotterley-Willingham-and-Ellough/Referendum/SSWE- Neighbourhood-Plan-Examiners-Report.pdf
February 2023	Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourho od-Planning/Designated-Neighbourhood-Areas/Shadingfield- Sotterley-Willingham-and-Ellough/Referendum/SSWE- Decision-Statement-updated.pdf