



# Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan

# Decision Statement

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

**Date of Publication: 22 December 2022**

## **1. Summary**

1.1 Following an independent examination, East Suffolk Council now confirms that the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum subject to the modifications set out in section 3.

## **2. Background**

2.1 Shadingfield, Sotterley, Willingham and Ellough Parish Council, as the Qualifying Body, successfully applied for Shadingfield, Sotterley, Willingham and Ellough to be designated as a Neighbourhood Area under The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated by (former) Waveney District Council on 8<sup>th</sup> May 2017.

2.2 The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan was published by Shadingfield, Sotterley, Willingham and Ellough Parish Council for pre-submission consultation (Regulation 14) between 4<sup>th</sup> January 2022 and 11<sup>th</sup> March 2022.

2.3 Following the submission of the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (submission version) to East Suffolk Council the Plan was publicised and comments invited between 13<sup>th</sup> July 2022 and 7<sup>th</sup> September 2022.

2.4 East Suffolk Council, with the agreement of Shadingfield, Sotterley, Willingham and Ellough Parish Council, appointed an independent examiner, Janet Cheesley, to review 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> November 2022 concluded that subject to modifications identified in the Report, the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan meets the basic conditions.

2.6 The Examiner recommends that subject to the modifications listed in the Report, the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan should proceed to referendum. She further recommends that the referendum area should be the same as the designated neighbourhood area. The Parish boundary for Shadingfield is due to change on the 1<sup>st</sup> April 2023, the resultant change will transfer thirteen properties and open land from Shadingfield to Redisham Parish. She concluded that:

*'The scale and nature of the Plan proposals are such that they will not have a substantial, direct and demonstrable impact beyond the Plan area. In these circumstances, I consider the referendum area should remain the same as the Plan area. Should the referendum be held after the boundary change, this will mean that the part of the Plan area moving to the Parish of Redisham will still need to be included in the referendum area.'*

2.7 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 in the table below. Ahead of this consideration, the Report and its findings have been subject to discussion between the Council and Shadingfield, Sotterley, Willingham and Ellough 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 her Report dated 22 November 2022.

3.2 With the Examiner's recommended modifications East Suffolk Council has decided that the Shadingfield, Sotterley, Willingham and Ellough 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 Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan will be modified as recommended for it then to proceed to referendum.

3.3 The 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 Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan.

3.4 The list of modifications and actions required are set out in the following tables. As a consequence of these changes the Shadingfield, Sotterley, Willingham and Ellough

Neighbourhood Plan will be re-published and titled the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (Referendum Version).

A handwritten signature in black ink, appearing to read 'Philip Ridley', with a large, sweeping underline stroke.

Philip Ridley BSc(Hons) MRTPI

Head of Planning and Coastal Management

Dated: 21/12/22

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>Para 61. Remove <del>As there are no policies relating specifically to County Wildlife Sites or Priority Habitats in the Waveney Local Plan, these are addressed in SSWE Policy NEP1.</del></p>	<p>Modification recommended to achieve the clarity required by the NPPF and to ensure the policy can be applied consistently.</p>	<p>Agreed. Changes made for clarity purposes.</p>
<p>Policy NEP1  a. Add, <del>The extent of any net gain in biodiversity should be in accordance with national policy.</del> Remove, <del>In line with the Environment Act 2021<sup>35</sup>, new proposals should achieve a minimum of 10% net gain in biodiversity; and where possible aim for the more aspirational target of 20% advocated by Suffolk County Council<sup>36</sup>.</del>  Removal of the associated footnotes:  <sup>35</sup> <del><a href="https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted">https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</a></del>  <sup>36</sup> <del><a href="https://www.suffolk.gov.uk/council-and-democracy/council-news/">https://www.suffolk.gov.uk/council-and-democracy/council-news/</a></del></p>	<p>The recommended modification was made by the examiner so the neighbourhood plan policy reflects current national legislation namely the Environmental Act 2021.</p>	<p>Agreed. Changes made as per recommendation.</p>
<p>Policy HEP1  Remove criterion <del>c. Development proposals that may affect a heritage asset will be required to submit a heritage statement setting out how the proposal seeks to enhance the setting of the heritage asset and how any harm will be sufficiently mitigated.</del></p>	<p>The recommended modification was made by the examiner to remove a criterion covered in the Local Plan.</p>	<p>Agreed. Changes made as per recommendation.</p>
<p>Para 76.  Add  <ul style="list-style-type: none"> <li>• Replacement dwellings and extensions – Policy WLP8.9;</li> <li>• Residential annexes – Policy WLP8.10;</li> </ul> </p>	<p>The recommended modification was made by the examiner for the addition of Local Plan policies relevant to the Neighbourhood Plan policy but were not previously referred to.</p>	<p>Agreed. Changes made as per recommendation.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>Policy HP2  Remove from policy name <del>Housing</del> Development  Remove criterion <del>b. Conversion of redundant and dilapidated farm buildings for residential use or small scale commercial use will be supported, provided this enhances the immediate setting through the use of building materials which complement adjacent buildings and the retention of trees and hedgerows, wherever possible.</del></p>	<p>The recommended modification was made by the examiner as the criterion in the neighbourhood policy was less strict than the Local Plan without the required evidence to justify. Accordingly, the modification is required to achieve basic conformity with the Local Plan.</p>	<p>Agreed. Changes made as per recommendation.</p>
<p>Para 84 remove, <del>The Waveney Local Plan (Policy WLP8.1 – Housing Mix) states that ‘Proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2-bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible.’ It also allows for Neighbourhood Plans to set out a more detailed approach to housing type and mix which reflects local circumstances and is supported by evidence.</del>  Add as para 85, <del>The Waveney Local Plan (Policy WLP8.1 – Housing Mix) states that ‘Proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2-bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible.’ This value is broadly in line with views gathered from residents (40%). It was also noted that while Neighbourhood Plans can set out a more detailed approach to housing type and mix which reflects local circumstances, this would need to be supported by robust evidence in a Housing Needs Assessment.</del></p>	<p>The recommended modification was made by the examiner as the criterion in the neighbourhood policy different from the Local Plan and was not supported by sufficient evidence. Accordingly, the modifications to the policy and supporting text is required to achieve basic conformity with the Local Plan.</p>	<p>Agreed. Changes made as per recommendation.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>Para 86 remove, <del>Given residents' concerns and the high proportion of elderly residents in the parishes, there is merit in building homes that are accessible, adaptable and built to M4(2) standards<sup>46</sup>. This would facilitate homes being changed in line with the needs of occupants, for example, if their mobility worsens with age.</del></p>	<p>The Neighbourhood Plan requirement goes beyond the Local Plan adding additional local technical standards contrary to the PPG.</p>	
<p>Footnote 44 amended to state paragraphs 73-76 Remove Footnote 46</p>	<p>Modification recommended to achieve the clarity required by the NPPF and to ensure the policy can be applied consistently.</p>	<p>Deleted for consistency.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
<p>Policy HP3 Remove <del>,mix</del> from title</p> <p>Remove criterion a. and re-reference other criterion. <del>a. All new development should reflect adjacent housing density. Outside the site allocated in Waveney Local Plan Policy WLP7.16, this will not exceed 20 dwellings per hectare for semi-detached properties, and 15 dwellings per hectare for detached properties<sup>48</sup>.</del></p> <p>Remove criterion c <del>c. Proposals for new residential developments for 2 or more dwellings will only be supported where at least 40% of the new dwellings are 1 or 2 bedroom properties and at least 35% are small family homes of 3 bedrooms<sup>49</sup>.</del></p> <p>Remove criterion d <del>d. Support will be given to homes that are adaptable (meaning built to optional M4(2) standards), in order to meet the needs of the aging population, without excluding the needs of younger buyers and families.</del></p> <p>Remove from criterion e (now b) <del>ii support low energy consumption and water conservation, including rainwater harvesting;</del></p> <p>Criterion e (now b) Remove from criteria iii (was iv) <del>and</del></p> <p>Criterion e (now b) add to criteria iv (was v) <del>and</del></p> <p>New criterion v <del>v. include tree-lined streets unless, in specific cases, there are clear justifiable and compelling reasons why this would be inappropriate.</del></p>	<p>Minor amendment reflecting changes listed below.</p> <p>The recommended modification was made by the examiner as the criterion in the neighbourhood policy different from the Local Plan and was not supported by sufficient evidence. Accordingly, the modification is required to achieve basic conformity with the Local Plan.</p> <p>The Neighbourhood Plan requirement goes beyond the Local Plan adding additional local technical standards contrary to the PPG.</p> <p>Minor amendments reflecting other changes to the policy.</p> <p>Criterion was recommended for inclusion by the examiner to</p>	<p>Agreed. Changes made as per recommendation.</p>

Examiner's recommended modification	Reason for change (summarised)	Action by ESC
	ensure the policy meets the requirements of the PPG.	
<p>Remove footnotes 48 and 49 <del>48-Values consistent with those reported for a number of rural locations specified in the Waveney Local Plan.</del>  <del>49-Proposed values informed by Policy WLP8.1 in the Waveney Local Plan (which advises that new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2-bedroom properties), but increased to 40% in response to views of residents and the mix of housing currently available in the parishes.</del></p>	Minor amendment reflecting other changes to the policy.	Deleted for consistency.
<p>Policy HP4  Add the settlement alter boundaries</p> <p>Delete criterion b. <del>b. A business plan will be submitted with any planning application for rural tourism accommodation demonstrating the financial viability of the proposal. This should be prepared in accordance with Appendix 5 of the Waveney Local Plan and guidance included in the National Planning Practice Guidance.</del></p>	The recommended modification was made by the examiner to remove a criterion not adequately justified by evidence.	Agreed. Changes made as per recommendation.
<p>Policy FSP1  Add to criterion c. , or an equivalent or better replacement community facility is provided either on site or in an alternative location in the vicinity that is well integrated into the community and has equal or better accessibility than the existing facility which meets the needs of the local population.</p>	The recommended modification was made by the examiner to add an additional criterion to ensure neighbourhood plan policy reflects local plan policy.	Agreed. Changes made as per recommendation.
<p>Policy BEP1  Criterion a. remove and addition, <del>will be supported where they should</del>  Addition to dii, or the significance of heritage assets.</p>	The recommended modification was made by the examiner to achieve the clarity required by the NPPF and to ensure the	Agreed. Changes made as per recommendation.



Examiner's recommended modification	Reason for change (summarised)	Action by ESC
	policy can be applied consistently.	
<p><u>MAPS</u></p> <p>All maps to be updated to a scale and quality to clearly identify the locations of the relevant features. In particular, map 4 (non-designated heritage assets) and map 7 (Community facilities identified in SSWE) have been created at a scale that makes it easier to determine the individual features.</p>	Modification recommended to achieve the clarity required by the NPPF and to ensure the policy can be applied consistently.	Agreed. Policy amended as per recommendation.

### Minor Modifications

Text Changed	Reason for change (summarised)	Action by ESC
<p><u>Header Change (Throughout document)</u></p> <p>Remove <del>post consultation—final June</del> replaced with <b>Referendum draft</b></p>	A change recognising the current stage that the Neighbourhood Plan is at.	Agreed. Text amended.
<p><u>Title – First Page</u></p> <p>Remove <del>Post consultation</del> replace with <b>Referendum</b> draft Remove <del>June</del> replace with <b>December 2022</b></p>	Changes recognising the current stage that the Neighbourhood Plan is at.	Agreed. Text amended.
<p><u>Foreword</u></p> <p>Paragraph 1 – Remove <del>This draft of</del> Remove and <del>a</del> formal consultation</p> <p>Paragraph 2 – Replaced with</p>	Changes recognising the current stage that the Neighbourhood Plan is at.	Agreed. Text amended.

Text Changed	Reason for change (summarised)	Action by ESC
<p>The draft SSWE Plan was subject to formal consultation in early 2022, after which a revised version was submitted to East Suffolk Council. The draft was then publicised and further comments invited. The Plan, along with associated documents, was then subject to examination. The independent examiner concluded that the Plan would provide a strong practical framework against which decisions on development can be made and recommended that the Plan should proceed to Referendum, subject to a number of modifications.</p> <p>Paragraph 3 – Remove <del>will be</del> replace with <b>was prepared</b>  Remove <del>and any further discussions with residents.</del> Replace with <b>and sent to East Suffolk Council. As a final step, residents</b>  Remove <del>our</del> replace with <b>the</b> Neighbourhood Area  Delete <del>then</del> be invited  Remove <del>you accept</del> replace with, the final SSWE Plan <b>is acceptable</b>  Add <b>be formally ‘made’ and</b> come into force</p>		
<p><u>The SSWE Plan at a Glance</u></p> <p>vi) remove <del>finalised and</del>  vii) Remove, <del>Following</del> add, <b>The draft Plan was subject to a</b> formal consultation <del>on the draft Plan</del> in early <del>2020</del>2022, <b>after which</b> a revised version of the SSWE Plan was <del>produced taking account of the comments received. This was then</del> submitted to East Suffolk Council, <del>-. The draft was then who will</del> publicised <del>the plan</del> and further <del>invite</del> comments <b>invited</b>, <del>-. Along with associated documents, the Plan was then before arranging an</del> subject to examination by an independent examiner, <b>who concluded that it would provide a strong practical framework against which decisions on development can be made. The examiner recommended that the Plan should</b></p>	<p>Changes recognising the current stage that the Neighbourhood Plan is at.</p>	<p>Agreed. Text amended.</p>

Text Changed	Reason for change (summarised)	Action by ESC
<p>proceed to Referendum, subject to a number of modifications. <del>of this and the associated documents.</del></p> <p>viii) Remove, <del>Following any modifications,</del> add, The final stage requires East Suffolk Council <del>will to</del></p>		
<p><u>Brief Summary of the SSWE Policy Topics</u></p> <p>Page numbers added in brackets.</p> <p>Policy HP2 Remove, <del>Housing</del> Development Policy HP3 <del>,mix</del> and design</p>	<p>In the interests of clarity.</p> <p>To reflect changes later in the document.</p>	<p>Agreed. Text amended.</p>
<p><u>What is a Neighbourhood Plan</u></p> <p>Para 5. Remove <del>new</del> Waveney local Plan Para 6. Remove <del>Once removed</del> The Neighbourhood Plan Remove <del>It is intended that</del> The SSWE Para 9. Remove <del>will accompany</del> <del>accompanied</del> the SSWE Plan when it <del>is was</del></p>	<p>To reflect changes later in the document.</p>	<p>Agreed. Text amended.</p>
<p><u>Community engagement and data sources</u></p> <p>Para 14. Remove <del>will be was</del></p>	<p>To reflect changes later in the document.</p>	<p>Agreed. Text amended.</p>
<p><u>Historic Environment Policies</u></p> <p>Para 68 remove, <del>graded</del></p>	<p>A minor alteration that provides correct terminology.</p>	<p>Agreed. Text amended.</p>
<p><u>APPENDIX 6: NON-DESIGNATED HERITAGE ASSETS</u></p> <p>Add Further guidance on the criteria for designating NDHAs is available in Appendix 1 (page 136) of East Suffolk Council’s Historic Environment Supplementary Planning Document. <sup>63</sup></p>	<p>A minor alteration that does not alter a policy and provides additional guidance only.</p>	<p>Agreed. Text amended.</p>

Text Changed	Reason for change (summarised)	Action by ESC
<p>And associated footnote. <sup>63</sup>  <a href="https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Supplementary-documents/Historic-Environment-SPD/Historic-Environment-SPD-reduced.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Supplementary-documents/Historic-Environment-SPD/Historic-Environment-SPD-reduced.pdf</a></p>		