

Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan 2022 - 2036

**Report by Independent Examiner to East Suffolk
Council**

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

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Summary and Conclusion

1. The Shadingfield, Sotterley, Willingham and Ellough (SSWE) Neighbourhood Development Plan has a clear vision supported by eight objectives.
2. The Plan does not allocate sites for residential development and does not set a minimum housing figure for the Parishes. Instead, it lists criteria where infilling and backland development within the existing settlement boundary will be supported
3. I have recommended modifications to some of the policies in the Plan. In particular, I have recommended that the criteria for the conversion of redundant and dilapidated farm buildings for residential use or small-scale commercial use is deleted from Policy HP2. I have recommended deletion of the proposed specific density and housing mix in Policy HP3 and the requirement for a business plan for rural tourism proposals in Policy HP4.
4. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 11 October 2017 Waveney District Council (now part of East Suffolk Council) approved that the Shadingfield, Sotterley, Willingham and Ellough Joint Parishes Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area comprises the parishes of Shadingfield, Sotterley, Willingham and Ellough, with the exception of a small area on the western boundary of Shadingfield parish which is within the village of Redisham. This area was omitted because it was considered that it should more logically be included within a Neighbourhood Plan for Redisham Parish, should that be developed.
7. Shadingfield, Sotterley, Willingham and Ellough Joint Parishes Council is the qualifying body. The Plan has been prepared by a project team comprising members of the local community and representatives of the Joint Parishes Council. The Plan covers the period 2022 to 2036.

8. I was appointed as an independent Examiner for the Shadingfield, Sotterley, Willingham and Ellough (SSWE) Neighbourhood Development Plan in September 2022. I confirm that I am independent from the Joint Parishes Council and East Suffolk Council (ESC). I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where 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
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:

Amendment to the Neighbourhood Planning (General) Regulations 2012.

3.—(1) *The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*

(2) *In Schedule 2 (Habitats), for paragraph 1 substitute:*

“Neighbourhood development plans

1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”

12. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. ESC prepared the *Strategic Environmental Assessment Screening Opinion Determination for the Draft Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan (2020-2036) version 11-2*, which was published in March 2021. This report concludes: *It is considered by East Suffolk District Council in consultation with Natural England, Environment Agency and Historic England that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan to ensure compliance with EU obligations.*
16. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
17. ESC prepared the *Habitats Regulations Assessment Screening Statement Draft Shadingfield Sotterley Willingham and Ellough Neighbourhood Plan 2019 – 2036 SSWE – NDP - Draft – v11.2*, which was published in March 2021. It concludes: *The Shadingfield, Sotterley, Willingham and Ellough*

Neighbourhood Plan is being prepared to be in general conformity with the relevant policies in the adopted East Suffolk Council Waveney Local Plan. The policies provide locally specific criteria and will not lead to likely significant effects on protected European sites. Natural England concurred with this conclusion.

18. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
19. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

20. The *National Planning Policy Framework* (NPPF) (2021) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
21. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

22. SSWE Joint Parishes is within the local authority area of East Suffolk Council (ESC). The development plan for the SSWE Neighbourhood Development Plan Area comprises the Waveney Local Plan (March 2019).
23. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.

The Neighbourhood Development Plan Preparation

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The initial consultation process began with a village meeting in March 2017. Residents and business questionnaires were delivered in April 2018 followed by a residents' survey in May 2018. These were followed by publicity events in 2018. Further informal discussions were held with members of the community between September 2019 and February 2020. The pandemic delayed consultation on the pre-submission draft of the Plan.
26. The Consultation period on the pre-submission draft of the Plan ran from 4 January 2022 to 11 March 2022. Publicity included a flyer and notices displayed on all village notice boards and at other locations around the Joint Parishes. The draft Plan was made available on the Joint Parishes Council website, or hard copies were available, on request. Two open meetings were held in the Shadingfield village hall on 4th March 2022. Updates on progress with the draft Plan were provided on a regular basis in the Sheaf magazine.
27. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the Project Team went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
28. ESC publicised the submission Plan for comment during the publicity period between 13 July 2022 and 7 September 2022 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of two responses were received. I am satisfied that these responses can be assessed without the need for a public hearing.
29. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not

made reference to all the comments in the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the ESC web site.

The SSWE Neighbourhood Development Plan

30. Background information is provided in Section 3 in the Plan and in the Appendices. A clear vision for the Joint Parishes has been established and is supported by eight objectives.
31. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as non land-use issues in this Plan) these have to be clearly differentiated from policies for the development and use of land.
32. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
33. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
34. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
35. Maps are provided in Figure 1 and in Appendix 1 in the Plan. None of these maps are of a sufficient scale or quality to support the policies in the Plan. In the interest of precision, these maps should be of a scale and quality that provide clear identification of the boundaries/facilities/ buildings etc. It may be that inset maps are needed.
36. **Recommendation: to meet the Basic Conditions, I recommend that all maps in the Plan are modified to a scale and quality, (on an ordnance survey base), to clearly identify the locations of the relevant features.**

37. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
38. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy NEP1: Protecting wildlife habitats and landscape.

39. The NPPF, in Paragraph 174, requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
40. Paragraph 180 in the NPPF lists principles to be applied when determining planning applications, with regard to habitats and biodiversity. These principles include: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
41. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission (with exemptions). Various parts of this Act, including this biodiversity net gain requirement are yet to come into force.
42. Paragraph 185 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
43. Local Plan Policy WLP8.34 supports development where it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity. In particular, it refers to the protection of County Wildlife Sites, Biodiversity Action Plan habitats and species.
44. Local Plan Policy WLP8.35 seeks to ensure that development proposals are informed by and are sympathetic to distinctive character areas. Proposals for development should protect and enhance tranquillity and dark skies.
45. Policy NEP1 seeks to protect wildlife habitats and landscape. It refers to the Environment Act 2021. To allow for exemptions from the biodiversity net gain requirements as defined in the Act and in recognition that various parts of the Act are yet to come into force, I have suggested revised wording. Should Suffolk County Council seek to adopt a policy of a minimum of 20% biodiversity net gain, this would require justification.

46. Policy NEP1, as modified above, has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy NEP1 meets the Basic Conditions.
47. ESC has commented that Local Plan Policy WLP8.34 does reference both County Wildlife Sites and Priority Habitats. Thus, paragraph 61 should be amended accordingly. **I see this as a minor editing matter.**
48. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy NEP1 criterion a. to read as follows:**
 - a. **New development proposals should maintain and, where possible, enhance biodiversity and the natural environment, avoid fragmentation of wildlife habitats, corridors and networks, and encourage biodiversity net gain. The extent of any net gain in biodiversity should be in accordance with national policy. Proposals which have the potential to negatively affect the natural environment must demonstrate that any negative impacts on flora, fauna or wildlife habitats will be adequately mitigated.**

Policy NEP2: Renewable and low carbon energy.

49. The NPPF at paragraph 152 supports the transition to a low carbon future.
50. Local Plan Policy WLP8.27 supports renewable and low carbon energy schemes, with the exception of wind energy schemes, where there are no significant adverse effects on the amenities of nearby properties or businesses and where there are no adverse safety impacts and no significant adverse effects on the transport network.
51. Policy NEP2 does not identify sites for renewable energy projects. Instead, it relies on criteria in Local Plan Policy WLP8.27 together with more detailed criteria regarding disturbance to local residents and rural character. As such, Policy NEP2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy NEP2 meets the Basic Conditions.

Policy HEP1: Protecting and enhancing heritage assets.

52. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

53. The NPPF advises at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

54. Paragraph 203 in the NPPF requires a balanced judgement when determining planning applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.

55. PPG states:

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).

56. Local Plan Policy WLP8.37 seeks to conserve or enhance heritage assets and their settings. Local Plan Policy WLP8.38 recognises that neighbourhood plans can identify non-designated heritage assets where they meet the criteria for identifying those on the Local List.

57. Policy HEP1 identifies non-designated heritage assets that meet the criteria for identifying those on the Local List. In the interest of precision, the buildings/structures should be numbered on the Policy Summary Map (Map 9).

58. Usually, a neighbourhood plan policy should provide an additional level or layer of detail. As a heritage statement is already required for proposals affecting heritage assets, criterion c. in Policy HEP1 is not necessary. Therefore, I recommend deletion of this criterion.

59. Subject to the above, Policy HEP1 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy HEP1 meets the Basic Conditions.

60. ESC has suggested that a link is included in the Plan to their Historic Environment SPD. The Joint Parishes Council has agreed to such an addition. This has no bearing on whether the Plan meets the Basic Conditions.

61. Paragraph 68 refers to 'graded listed buildings'. This should be amended to 'listed buildings'. **I see this as a minor editing matter.**

62. **Recommendation: to meet the Basic Conditions, I recommend:**

1) the deletion of criterion c. in Policy HEP1

2) The numbering of the buildings/structures identified in Appendix 6 on the Policy Summary Map (Map 9).

Policy HP1: Housing development within the settlement boundary.

63. Paragraphs 78 - 80 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
64. PPG advises: *Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.* Extract Paragraph: 104 Reference ID: 41-104-20190509.
65. The Local Plan explains that 10% of the District's housing growth will be delivered in the rural areas. This will be primarily through Local Plan housing allocations and supplemented with windfall sites. Local Plan Policy WLP1.2 identifies settlement boundaries. New residential, employment and town centre development will not be permitted in the countryside except where specific policies in the Local Plan indicate otherwise. Neighbourhood Plans can make minor adjustments to settlement boundaries and allocate additional land to meet local needs at a scale which does not undermine the overall distribution strategy set out in Local Plan Policy WLP1.1.
66. The Local Plan identifies a settlement boundary for Shadingfield/Willingham and allocates a site for ten dwellings to the East of Woodfield Close. This site lies part within the settlement boundary but is predominately adjacent to the settlement boundary. The Neighbourhood Plan policies do not prevent this allocated site from being developed.
67. The above policies are relevant to Policies HP1 and HP2.
68. Policy HP1 does not allocate sites for residential development and does not set a minimum housing figure for the Parish. It is not required to do so. Instead, it lists criteria where infilling and backland development within the existing settlement boundary will be supported. Having visited the area and

seen the rural character, I am satisfied that this approach would not undermine the overall distribution strategy set out in the Local Plan and would contribute towards sustainable development.

69. Policy HP1 has regard to national policy, contributes towards sustainable development, particularly the environmental and social objectives and is in general conformity with strategic policy. Policy HP1 meets the Basic Conditions.

Policy HP2: Housing development outside the settlement boundary.

70. Local Plan Policy WLP8.7 identifies criteria for small scale residential development in the countryside. Local Plan Policy WLP8.8 identifies criteria for rural workers dwellings in the countryside. Local Plan Policies WLP8.9, WLP8.10 and WLP8.11 further restrict residential development in the countryside.
71. Local Plan Policy WLP8.14 supports the conversion and replacement of rural buildings for employment use, subject to criteria
72. Policy HP2 restricts new development in the countryside to exceptional circumstances. Conversion of redundant and dilapidated farm buildings for residential use or small-scale commercial use is supported, subject to criteria. The criteria are considerably less restrictive than those in Local Plan Policies WLP8.11 and WLP8.14 and I have no robust evidence before me to justify this approach. My concern is that this could lead to the conversion of buildings that would not constitute sustainable development in these countryside locations. Therefore, I recommend deletion of this part of Policy HP2, leaving reliance on the more restrictive Local Plan policies to guide such development proposals.
73. A footnote to Policy HP2 refers to paragraphs 74-76 in the Plan as an explanation of the exceptional circumstances. In the interest of precision, the footnote should include paragraph 73 and paragraph 76 should include cross reference to Local Plan Policies WLP8.9 and WLP8.10.
74. As Policy HP2 refers to both housing and commercial development, the title should be changed to 'Development outside the settlement boundary'.
75. Subject to the above modifications, Policy HP2 has regard to national policy, contributes towards sustainable development, particularly the environmental and social objectives and is in general conformity with strategic policy. Modified Policy HP2 meets the Basic Conditions.
76. **Recommendation: to meet the Basic Conditions, I recommend:**
1) modification to Policy HP2 to read as follows:

SSWE Policy HP2: Development outside the settlement boundary

Development outside the settlement boundary of Shadingfield and Willingham will only be supported in exceptional circumstances.

2) include paragraph 73 in the footnote to Policy HP2.

3) include reference to Local Plan Policies WLP 8.9 and WLP 8.10 in paragraph 76.

Policy HP3: Housing density, mix and design.

77. Paragraph 124 in the NPPF supports the efficient use of land.
78. Local Plan Policy WLP8.32 requires residential development to make best use of the site in a manner that protects or enhances the distinctiveness and character of the area and take into account the physical environment of the site and its surroundings. Neighbourhood Plans can set their own policies for housing density which respond to local circumstances.
79. The densities suggested in Policy HP3 have been determined based on site allocations in the Local Plan, as explained in paragraph 83. In the absence of a character assessment for the Joint Parishes, I do not consider there to be robust justified evidence to restrict densities as outlined in Policy HP3. This would not contribute towards sustainable development.
80. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
81. Within the context of significantly boosting the supply of homes and determining the minimum number of homes needed at a strategic level, paragraph 62 in the NPPF explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
82. Local Plan Policy WLP8.1 states: *The mix of sizes and types of units on any particular site should be based on evidence of local needs including the Strategic Housing Market Assessment and in consultation with the local planning authority. 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. Neighbourhood Plans can set out a more detailed approach to housing type and mix which reflects local circumstances and is supported by evidence.*

83. The housing mix proposed in Policy HP3 differs from that in Local Plan Policy WLP8.1. I realise that the evidence base for this policy came from survey results received from residents and that the Joint Parishes have a small population. Whilst a neighbourhood plan can propose a different mix, this needs to be supported by robust evidence in a Housing Needs Assessment. In the absence of such an assessment, despite local opinion, the proposed mix cannot be justified. Therefore, to be in general conformity with strategic policy, I recommend deletion of the proposed housing mix in Policy HP3.
84. Paragraph 127 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. 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. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
85. Local Plan Policy WLP8.29 seeks high quality design. Neighbourhood plans can, and are encouraged to, set out design policies which respond to their own local circumstances.
86. Local Plan Policy WLP8.31 requires all new housing developments on sites of 10 or more dwellings to make provision for 40% of all dwellings to meet Requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings.
87. Local Plan Policy WLP8.28 requires residential development of 10 or more dwellings to incorporate sustainable construction, including rainwater harvesting and low carbon energy consumption.
88. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans.
89. Policy HP3 supports dwellings that meet Requirement M4(2) of Part M of the Building Regulations and requires housing developments to support low energy consumption and water conservation, including rainwater harvesting. My concern is that these requirements go beyond the requirements in Local Plan policies and thus are introducing additional local technical standards, which PPG states are not appropriate for neighbourhood plans. Therefore, I recommend that these requirements are deleted from Policy HP3.
90. Policy HP3 seeks the use of traditional design and materials, with the provision of appropriate drainage and parking for housing developments. It

is clear from my visit to the area that such measures will contribute towards sustainable development and help to achieve high quality design.

91. Paragraph 131 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Therefore, to have regard to national policy I have recommended the inclusion of such a requirement in Policy HP3.
92. Subject to the above modifications, Policy HP3 has regard to national policy, contributes towards sustainable development, particularly the environmental and social objectives and is in general conformity with strategic policy. Modified Policy HP3 meets the Basic Conditions.

93. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy HP3 to read as follows:

SSWE Policy HP3: Housing density and design

a. New residential development should reflect the relationship between plot sizes and building footprints in the immediate vicinity of the proposed development site.

b. Housing developments within the parishes should:

i. use traditional design and materials;

ii. include appropriate Sustainable Drainage Systems (SuDS) in order to manage water and provide environmental net gain;

iii. provide sufficient off-road parking, taking account of the Suffolk Parking Guidance (2019) and the greater requirement for car use in rural areas, and incorporate charging points for electric vehicles; and

iv. provide a proportion of visitor parking on-street within any new developments, that is well designed, located and integrated into the scheme to avoid obstruction to all highway users or impede visibility.

v. include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

2) modification to paragraphs 83-89 to accord with modified Policy HP3.

Policy HP4: Rural tourism accommodation.

94. Paragraph 84c in the NPPF supports a prosperous rural economy by enabling sustainable rural tourism and leisure developments which respect the character of the countryside.
95. Local Plan Policy WLP8.15 supports the provision of small-scale self-catering tourist accommodation, subject to criteria, including through conversion of rural buildings of permanent structure.
96. Policy HP4 allows the conversion of buildings outside settlement boundaries to tourism accommodation where the structure is permanent and has been established for at least five years. Although the text should be amended to 'settlement boundary,' this is in general conformity with strategic policy.
97. Policy HP4 requires a business plan for rural tourism proposals. This is neither a requirement in Local Plan Policy WLP8.15 or in PPG and I have no robust evidence to justify this approach. Thus, in the interest of precision, I recommend deletion of such a requirement.
98. Subject to the above modification, Policy HP4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HP4 meets the Basic Conditions.
99. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HP4 to read as follows:**

SSWE Policy HP4: Rural tourism accommodation

Proposals to convert existing buildings outside of the settlement boundary into tourism accommodation will only be supported where the structure is permanent and has been established for at least five years.

Policy FSP1: Community facilities.

100. Paragraph 84 in the NPPF supports a prosperous rural economy, enabling the retention and development of accessible local services and community facilities.
101. Paragraph 93 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
102. Policy FSP1 supports improvements to existing community facilities and resists their loss.
103. Local Plan Policy WLP8.22 supports proposals to change the use, or redevelop for a different use, existing built community facilities which are not

registered as an asset of community value, subject to a list of criteria. This is more extensive than the list in Policy FSP1. There is no justified evidence to support the limited list of criteria in Policy FSP1. To be in general conformity with strategic policy, Policy FSP1 needs to include reference to the provision of an equivalent or better replacement community facility 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.

104. In the interest of precision, the community facilities should be numbered on the Policy Summary Map (Map 9).

105. Subject to the above modifications, Policy FSP1 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy FSP1 meets the Basic Conditions.

106. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy FSP1 to read as follows:

SSWE Policy FSP1: Community facilities

a. Proposals to improve the viability and current community use of the buildings and facilities identified in Appendix 1, Map 7 will be supported.

b. Extension or partial redevelopment of existing buildings will be supported, provided the design of the scheme and the resulting increase in community use are appropriate and will not be detrimental to adjoining residential properties.

c. New development that will result in the loss of facilities and/or loss of communal floor space will be resisted unless it can be demonstrated that the facility's benefit to the community is no longer viable, relevant or necessary 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.

2) numbering of the community facilities on the Policy Summary Map (Map 9).

Policy STP1: Highway Safety.

107. The NPPF, at paragraph 92, seeks to achieve healthy inclusive and safe places. Section 9 of the NPPF promotes sustainable transport with an

emphasis on firstly giving priority to pedestrian and cycle movements and secondly encouraging public transport use. It recognises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute towards making high quality places.

108. Local Plan Policy WLP8.21 seeks to provide sustainable transport. This policy includes a requirement for developments to connect into the existing pedestrian and cycle network.
109. The above policies are relevant to Policies STP1 and STP2.
110. Policy STP1 is concerned with highway safety for residential developments and for the provision of secure cycle parking to reduce the reliance on motor vehicles. Such measures promote sustainable transport. As such, Policy STP1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy STP1 meets the Basic Conditions.
111. ESC has suggested that this policy should relate to all development rather than just residential, and the Joint Parishes in their response have agreed. My remit is to determine whether the Plan meets the Basic Conditions. If the local community wishes to expand this policy as proposed, it will have no bearing on whether the Plan met the Basic Conditions, but it is beyond my remit to recommend such a modification.

Policy STP2: Pedestrian and cycle access.

112. Policy STP2 seeks to encourage alternatives to the use of the private car, including protecting and enhancing Public Rights of Way. This has regard to national policy where it seeks to promote sustainable transport. In addition, Policy STP2 contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy STP2 meets the Basic Conditions.

Policy BEP1: Business development

113. Paragraph 81 in the NPPF states: *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*
114. The NPPF supports a prosperous rural economy. Paragraph 84 states: *Planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

115. Local Plan Policy WLP3.3 identifies land south of Benacre Road, Ellough for employment development. Local Plan Policy WLP8.13 lists criteria for new employment development.
116. Policy BEP1 does not allocate sites for employment development. Instead, it lists criteria for new development including supporting new retail or other small businesses within the settlement boundary, subject to criteria.
117. The first paragraph in Policy BEP1 requires new business development to provide suitable access and parking. Whilst this is a perfectly acceptable requirement, the wording of this paragraph implies that new business development located anywhere in the Joint Parishes would be acceptable if such requirements were met. I am sure that is not the intention. Therefore, I have suggested revised wording for that paragraph.
118. Criterion d. in Policy BEP1 is concerned with development of agricultural premises. In the interest of clarity and to have regard to national policy regarding heritage assets, criterion d. ii. should refer to the detrimental impact on 'the significance of' heritage assets, rather than just on the 'heritage assets'. I have suggested revised wording.
119. Subject to the above modifications, Policy BEP1 has regard to national policy, contributes towards sustainable development, particularly the economic objective and is in general conformity with strategic policy. Modified Policy BEP1 meets the Basic Conditions.
120. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy BEP1 criterion a. to read as follows:**
- a. Proposals for new business developments should provide suitable access and parking which meets or exceeds the current requirements specified in the Suffolk Parking Guidance (2019), including:**
- i. off-road parking for the expected number of employees and customers;**
- ii. off-road turning areas;**

iii. safe cycle and pedestrian access; and

iv. adequate secure cycle parking.

2) modification to Policy BEP1 criterion d.ii. to read as follows:

ii. in the case of major developments (i.e. the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or where development carried out on a site has an area of 1 hectare or more), need to ensure, through an environmental impact assessment, where required, that there is no significant detrimental impact on residential amenity (including visual, aural or olfactory disturbance to local residents), or the significance of heritage assets.

Referendum and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan Area

121. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
- the Plan as modified by my recommendations should proceed to Referendum; or
- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

122. **I am pleased to recommend that the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**

123. I am required to consider whether or not the Referendum Area should extend beyond the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Development Plan Area.

124. PPG advises that it may be appropriate to extend a referendum area, for example where the scale or nature of the Plan proposals are such that they will have a substantial, direct and demonstrable impact beyond the Plan area.

125. The Parish Boundaries are due to change on 1 April 2023. This will move the parish boundary between Redisham and Shadingfield to follow the railway line and would result in thirteen properties and open land transferring from Shadingfield to Redisham Parish. Whilst part of this area is already

omitted from the Neighbourhood Development Plan Area, by moving the Parish boundary to the railway line, further land within Shadingfield Parish would become part of Redisham Parish.

126. 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.

Minor Modifications

127. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, the Forward will need updating as will parts of page 3 and paragraphs 6 and 9 and 14.

Janet Cheesley

Date 22 November 2022

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
The Waveney Local Plan (March 2019)
The Waveney District Landscape Character Assessment (2008)
Regulation 16 Representations
Parish Council response to the representations
Examination Correspondence (On the ESC web site)