



Committee	Cabinet
Date	05/03/2024
Subject	Statutory five-year review assessment of the East Suffolk Council - Waveney Local Plan and Local Development Scheme update
Cabinet Member	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
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Key Decision?	Yes
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
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Purpose/Summary

The East Suffolk Council - Waveney Local Plan was adopted on 20th March 2019. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017, states that local planning authorities must review their plans within five years from the date of adoption.

Review in this context means an assessment to determine whether a plan needs to be updated. The [National Planning Policy Framework](#) (December 2023) states that “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.” (paragraph 33).

Section 17 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to publish their reasons if they consider that no update is necessary.

A review assessment has been carried out and concludes that the policies are effective, and a local plan review is not considered to be necessary.

The report also considers the recommendation of the recent Overview and Scrutiny Committee meeting which is to “Review the Strategic Housing Market Assessment and Local Plan documents in relation to affordable housing supply sooner rather than later and include environmental sustainability.”

Whilst not a part of the review assessment of the Waveney Local Plan, the report also provides information on the forthcoming planning reforms and their likely implications for a future Local Plan review. Further, in response to the [Written Ministerial Statement](#) of the Secretary of State for Levelling Up, Housing and Communities dated 19th December 2023, an update to the Local Development Scheme has been prepared to set out the Council’s current position on plan-making, an indicative timescale for a future Local Plan and information on the preparation of other planning policy documents.

Recommendation(s)

That Cabinet:

1. Approves the content and conclusions of the review assessment of the East Suffolk Council – Waveney Local Plan (Appendix A of this report) and agrees that the Local Plan is effective and that a local plan update is not necessary.
2. Agrees that the review assessment of the East Suffolk Council – Waveney Local Plan (Appendix A of this report) be published.
3. Notes the information contained in this report relating to the forthcoming planning reforms.
4. Approves the Local Development Scheme (Appendix B of this report) and agrees to its publication, replacing the Council's existing Local Development Schemes, and that this will take effect from Friday 15th March 2024.
5. Authorises the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to make any presentational and typographical changes to the Waveney Local Plan review assessment and the Local Development Scheme prior to them being published.
6. Notes the recommendations of the Overview and Scrutiny Committee meetings of 19th October 2023 and 16th November 2023 (as set out in paragraph 2.38 of this report), and that the approval of the Local Development Scheme (Appendix B) setting out an indicative timeline for a future local plan review responds to this recommendation.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact

The review assessment (Appendix A) considers the policies in relation to the Environmental Impact aims of Our Direction 2028, where applicable.

The East Suffolk Council – Waveney Local Plan contains many policies which are broadly aligned with the ambitions of the Environmental Impact theme of Our Direction 2028, including:

WLP1.1 Scale and Location of Growth (focuses development largely into the main urban areas, one aim of which is to reduce reliance on the private car)

WLP8.21 Sustainable Transport

WLP8.26 Relocation and Replacement of Development Affected by Coastal Change

WLP8.27 Renewable and Low Carbon Energy

WLP8.28 Sustainable Construction

WLP8.34 Biodiversity and Geodiversity

WLP8.35 Landscape Character

WLP8.37 Historic Environment

	<p>The Local Plan was informed by a robust Strategic Environmental Assessment and was also subject to assessment under the Habitats Regulations.</p>
<p>Sustainable Housing</p>	<p>The review assessment (Appendix A) considers the policies in relation to the Sustainable Housing aims of Our Direction 2028, where applicable.</p> <p>The East Suffolk Council – Waveney Local Plan contains policies to support the delivery of a mix of housing, including affordable homes, self and custom build homes and housing for older people. This includes site allocations for residential development, and the identification of the infrastructure needed to support the delivery of those homes.</p> <p>Policies such as WLP8.28 Sustainable Construction act alongside the housing policies, and the Council has prepared a number of Supplementary Planning Documents to aid the implementation of the plan, such as on Affordable Housing, Sustainable Construction and Healthy Environments (the latter currently under preparation).</p>
<p>Tackling Inequalities</p>	<p>The review assessment (Appendix A) considers the policies in relation to the Tackling Inequalities aims of Our Direction 2028, where applicable.</p> <p>The East Suffolk Council – Waveney Local Plan was subject to an Equalities Impact Assessment as part of its preparation. The Local Plan recognises that in particular Lowestoft has high levels of deprivation and sets out a vision and policies to seek to address this including through encouraging investment into the town. Policies on affordable housing are delivering homes to help to meet needs, with 554 new affordable homes developed in the Waveney Local Plan area between 1.4.2014 and 31.3.2023 (the plan period so far).</p>
<p>Thriving Economy</p>	<p>The review assessment (Appendix A) considers the policies in relation to the Thriving Economy aims of Our Direction 2028, where applicable.</p> <p>The Thriving Economy theme of Our Direction 2028 refers to ensuring that Local Plans work for local people through a vision to provide affordable housing, good public services and a healthy environment. The East Suffolk Council – Waveney Local Plan contains policies aligned with this such as WLP8.2 Affordable Housing and WLP8.30 Design of Open Spaces. The Infrastructure Delivery Framework, which is an integral part of the plan, informs the delivery of infrastructure to support the growth planned for in the plan.</p>
<p>Our Foundations / governance of the organisation</p>	<p>The delivery of the East Suffolk Council – Waveney Local Plan (along with the delivery of the East Suffolk Council – Suffolk Coastal Local Plan) is continually monitored, and this is reported each year through the publication of the Authority Monitoring Report. Data on delivery of the Local Plans is available digitally,</p>

including through the recent publication of the Planning Delivery Dashboard.

The Local Plan preparation involved significant and extensive public consultation, including consultation on Issues and Options, consultation on a first draft plan, consultation on a final draft plan and a consultation on 'main modifications' as part of the Examination. Implementation of the Local Plan has included the preparation of a number of Supplementary Planning Documents and the East Suffolk Cycling and Walking Strategy which have involved further public consultations.

The preparation of the Local Plans was overseen by cross-party Local Plan Working Groups. Many actions associated with implementation of the Local Plans, such as the preparation of Supplementary Planning Documents, continue to be overseen by Local Plan Working Group.

A draft of the East Suffolk Council – Waveney Local Plan review assessment at Appendix A has been considered by the Local Plan Working Group.

Justification for recommendations

1. Background

- 1.1. The East Suffolk Council – Waveney Local Plan was adopted on 20th March 2019. The Local Plan covers the period 2014 – 2036 and sets out a strategy and policies to guide development in the former Waveney area (outside of the Broads).
- 1.2. The East Suffolk Council – Waveney Local Plan forms a part of the development plan for East Suffolk, along with the East Suffolk Council – Suffolk Coastal Local Plan which was adopted on 23rd September 2020, ‘made’ Neighbourhood Plans and the Minerals and Waste Local Plan prepared by Suffolk County Council. The Broads Authority prepare their own Local Plan, as the planning authority for their area.
- 1.3. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), states that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 requires them to publish their reasons if they consider that no update is necessary.
- 1.4. The National Planning Policy Framework (NPPF) (2023) states that “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.” (paragraph 33).
- 1.5. The word ‘review’ in the context of the 2004 Act and the 2012 Regulations therefore relates to the process of considering whether a plan needs to be updated.
- 1.6. A review of the Waveney Local Plan, to consider whether it needs to be updated, needs to be undertaken by 20th March 2024. There is no requirement at present to undertake the same assessment of the Suffolk Coastal Local Plan, which is only around three and a half years old.
- 1.7. At its meetings on 19th October 2023 and 16th November 2023, the Council’s Overview and Scrutiny Committee considered items entitled ‘Review of Affordable Housing Planning Requirements’ and ‘Review of the Provision of Social Housing in East Suffolk’, respectively. Due to the related nature of the two items, the Recommendations of both of the Committee meetings were set at the November meeting. This included the following recommendation:

“Review the Strategic Housing Market Assessment and Local Plan documents in relation to affordable housing supply sooner rather than later and include environmental sustainability.”
- 1.8. On 19th December 2023, the Secretary of State for Levelling Up, Housing and Communities published a Ministerial Statement entitled [‘The next stage in our long term plan for housing update’](#). In this Ministerial Statement the Secretary of State stated that he expects all local planning authorities to provide a copy of their up to date Local Plan

timetables to him within 12 weeks (i.e. by 12th March). It is therefore timely to cover this alongside the review assessment of the Waveney Local Plan within this report.

2. Introduction

East Suffolk Council Waveney Local Plan – statutory five year review assessment

- 2.1 As stated above, the East Suffolk Council – Waveney Local Plan forms a part of the development plan. The development plan is the starting point for the consideration of planning applications and legislation requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF emphasises the importance of the plan-led system to development stating that “the planning system should be genuinely plan-led.” (para 15).
- 2.2 The Waveney Local Plan covers the period 2014 – 2036. The Local Plan sets out a vision, strategic objectives and priorities, a strategy for growth including an approach for main towns and for the rural areas, site allocations to meet needs, and a comprehensive suite of development management policies on a range of topics including affordable housing, employment development, climate change, sustainable transport, community services and facilities, design, natural environment and historic environment. The Local Plan also contains an Infrastructure Delivery Framework, setting out the infrastructure that will support planned growth, and a Monitoring Framework to guide how the implementation of the Local Plan is monitored.
- 2.3 The preparation of the Local Plan was underpinned by a comprehensive and robust evidence base covering a wide range of topics such as housing needs, economic needs, viability, transport assessment, sustainability appraisal and habitats regulations assessment.
- 2.4 The preparation of the Local Plan took almost four years, and involved four rounds of public consultation (Issues and Options, First Draft Local Plan, Final Draft Local Plan and, during the Examination, Main Modifications consultation).
- 2.5 The Local Plan was subject to a rigorous Examination by an independent planning Inspector, who considered the representations and evidence as well as national policy and legal compliance, before concluding that the plan was ‘sound’ (subject to modifications which were made upon adoption).
- 2.6 To support the implementation of the Local Plan, the Council has adopted eight [Supplementary Planning Documents](#) since adoption of the Plan, on topics such as Affordable Housing, Sustainable Construction, Historic Environment and Coastal Adaptation. A further three are currently under preparation covering Rural Development, Custom and Self Build Housing and Healthy Environments, and a Planning Position Statement is currently being prepared to support the delivery of the Kirkley Waterfront and Sustainable Urban Neighbourhood strategic site.
- 2.7 Monitoring of the Local Plan is reported each year through the [Authority Monitoring Report](#), and key data is now also provided on the new [Planning Delivery Dashboard](#).
- 2.8 Local Plans must look ahead at least 15 years from the point of adoption, and it is inevitable that there will be changes over that time. Therefore, plans are written to have a degree of flexibility to respond to changing circumstances. Equally, it isn’t expected

that an authority would wait until the end of the Local Plan period before reviewing a plan (2036 in this case), hence the provision for reviewing and monitoring throughout.

- 2.9 Over time national policy changes and other changed circumstances can become weightier material considerations. Paragraph 11 of the NPPF sets out how decisions should be taken where any relevant local plan policies are considered 'out of date' – stating that the 'presumption in favour of sustainable development' would apply under which planning permission should be granted unless “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. Having an up to date local plan in place is therefore important in ensuring that the plan-led approach to development can be maintained. This also provides a degree of certainty to communities, developers and other organisations, such as infrastructure providers, about where development is expected to come forward and what is required of that development.
- 2.10 In terms of the review assessment, the National Planning Policy Framework (NPPF) (2023) states that “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.” Further guidance is provided in the national [Planning Practice Guidance on Plan Making](#). The Planning Advisory Service have also provided tools to assist with undertaking an assessment. There is however no prescribed way in which an assessment must be carried out.
- 2.11 The review assessment of the East Suffolk Council – Waveney Local Plan is contained at Appendix A of this report. This comprises consideration of the Local Plan against key factors, using the Planning Advisory Service template, supported by an assessment of each Local Plan policy. Whether or not a policy is up to date is not a matter of chronology and it is important to acknowledge that the focus of the assessment is on the effectiveness of the policies, not solely on whether anything has changed.
- 2.12 The Planning Practice Guidance sets out a list of factors that can be considered. These are:
- conformity with national planning policy;
 - changes to local circumstances; such as a change in Local Housing Need;
 - their Housing Delivery Test performance;
 - whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
 - whether issues have arisen that may impact on the deliverability of key site allocations;
 - their appeals performance;
 - success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
 - the impact of changes to higher tier plans;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
 - significant economic changes that may impact on viability.; and
 - whether any new social, environmental or economic priorities may have arisen.

Each of these factors has been considered in the accompanying tables in Appendix A of this report. However, it is not the case that any one of these factors would automatically lead to a conclusion of the need to update a plan – they inform a judgement as to whether policies are effective.

- 2.13 There is no requirement to consult on the assessment, which is largely a technical exercise. However, in line with the guidance in the Planning Practice Guidance, under the Duty to Cooperate officers have engaged with local planning authorities that adjoin the Waveney Local Plan area, and any matters raised have been captured in the assessment in Appendix A where relevant.
- 2.14 The assessment has been undertaken using the Planning Advisory Service’s review toolkit. Whilst there is no prescribed way in which the assessment must be carried out, a number of authorities have used this toolkit and it provides a helpful framework for considering matters that would be pertinent to a local plan review.
- 2.15 A key purpose behind the five year review relates to housing needs and delivery. Paragraph 33 of the NPPF refers explicitly to the local housing need figure – “Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.” The Waveney Local Plan sets a housing requirement of delivering at least 374 dwellings per year, based on the Objectively Assessed Need assessed in the Strategic Housing Market Assessment which was a key evidence document underpinning the Local Plan. The standard method for calculating housing need was introduced in the 2018 National Planning Policy Framework. For the Waveney Local Plan area the local housing need has been consistently slightly higher or slightly lower than the 374 requirement in the Local Plan, and is therefore not considered to have changed significantly. As at 1.2.2024, the local housing need figure for the Waveney area is 388 dwellings per year, as calculated using the national standard methodology. In terms of future housing need, it is understood that the Government will review the approach to assessing housing need once the new household projections based on the 2021 Census are produced, currently expected to be during 2025.
- 2.16 The latest [Housing Delivery Test](#) result for East Suffolk is 104% (2022 result published December 2023).
- 2.17 The latest update to the Council’s [Housing Land Supply Statement](#) (published November 2023) shows that the Council can demonstrate a five year supply of deliverable sites, with the Waveney Local Plan area having a 5.62 year supply.
- 2.18 The above factors, Housing Delivery Test performance and five year supply, are key considerations in determining for decision making purposes whether policies relating to the provision of housing are out of date, under paragraph 11 of the NPPF, whereby a Housing Delivery Test result of below 75% or the lack of a five year supply would render policies relating to the provision of housing out of date. This is not the case in East Suffolk.
- 2.19 It is acknowledged however that the annual requirement of 374 dwellings per year for the Waveney Local Plan area has not been met in any year. There have been wider

issues affecting the development sector such as the Covid pandemic, high inflation, some significant cost increases for (and availability of) materials. Five years following adoption, the plan is however still relatively early into its lifetime in terms of delivery (i.e. housing completions resulting from the Plan). Paragraph 1.7 of the Local Plan explains that the level of housing planned for in this plan is significantly higher than the previous plan and represents a significant step change, from the 290 dwellings per year requirement in the previous plan. The plan acknowledges that it will be challenging to remedy the shortfall from the start of the plan period in 2014 within the first five years following adoption. This position is reflected in the delivery figures over the plan period to date, as set out in the review assessment in Appendix A to this report, and is therefore not surprising.

- 2.20 Much of the housing in the Plan is expected to come forward on strategic sites including the Beccles and Worlingham Garden Neighbourhood, North of Lowestoft Garden Village, Land South of the Street Carlton Colville, and the Kirkley Waterfront and Sustainable Urban Neighbourhood. As strategic sites, these sites will have relatively long lead in times from adoption of the Plan. The Housing Land Supply Statement sets out the current position in relation to the sites, with some completions anticipated in the next five years. The Council's Major Sites team provides a dedicated resource to support these sites coming forward. The Council has recently begun the preparation of a planning position statement, including through regular engagement with the landowners, to bring forward delivery of the brownfield Kirkley Waterfront site (the Council is also part-owner of this site). The Masterplanning process for both Beccles and Worlingham Garden Neighbourhood and North of Lowestoft Garden Village has begun, ahead of future planning applications for those new communities.
- 2.21 Of the site allocations excluded from the 5 year supply in the Housing Land Supply Statement, in most cases this relates to lack of evidence or an expectation that completions will take place beyond five years and for the most part it is still expected that these sites will come forward in the plan period. The Housing Land Supply identifies 78 dwellings on major sites with full permission excluded from the supply and 70 on small sites with permission excluded. These dwellings may still come forward, however if they don't this is a small proportion of the total requirement and easily accounted for within the buffer. Windfall also makes up part of the future housing supply, on top of the 12% buffer in the local plan, and we have seen an average of 58 windfall completions per year of the type that would be supported by policies in the plan, over the past five years (to 31.3.2023). If that was extrapolated forward, we could forecast that windfalls will provide in the region of an additional 750 dwellings between 2023 and 2036.
- 2.22 The Council's [Housing Action Plan](#) provides a means to assess any issues with sites coming forward and to consider any suitable actions to address this. An update to the Housing Action Plan is currently being prepared.
- 2.23 Appeals performance data shows that 11 out of 13 appeals in the Waveney Local Plan area were dismissed in the 2022/23 year (85%) indicating that the policies are performing well on appeal.

- 2.24 East Suffolk Council adopted a new Strategic Plan 'Our Direction 2028' in November 2023, following the establishment of a new Administration in May 2023. Our Direction 2028 sets out four key themes which are – Environmental Impact, Sustainable Housing, Tackling Inequalities and Thriving Economy. The Local Plan complements the ambitions set out in the Strategic Plan in many respects, including through the provision of affordable housing, delivery of sustainable transport infrastructure, preserving heritage and enhancing biodiversity.
- 2.25 The Council seeks to be ambitious in addressing climate change, including through the 2019 Climate Emergency as well as the new 'Our Direction 2028' Strategic Plan. The Local Plan is not inconsistent with this including through policies on, for example, flood risk, sustainable construction and sustainable transport, along with associated guidance such as the [Sustainable Construction Supplementary Planning Document](#) (April 2022) and the [Cycling and Walking Strategy](#) (November 2022). Alongside the Local Plan, higher requirements on energy efficiency in new buildings are being introduced through the Future Homes Standards, implemented through the Building Regulations.
- 2.26 The Environment Act has introduced mandatory 10% Biodiversity Net Gain for new developments, applying initially to major development from February 2024 and subsequently to smaller developments from April 2024 (some developments will be exempt). This will act alongside the Waveney Local Plan policies on biodiversity, and new policy is not needed to implement this requirement.
- 2.27 The assessment shows that, whilst there are some policies where future updates would be desirable, none of these are considered to be necessary at the present time and through the application of planning judgement these policies remain effective and the plan can continue to provide a robust plan-led approach to development.
- 2.28 The assessment will be a relevant material consideration in taking decisions on planning applications, in particular in the small number of cases where it outlines that changes to a policy or a part of a policy would be desirable. To assist, the assessment indicates where other considerations may be relevant such as through reference to other relevant policies in the plan.
- 2.29 The conclusions of the assessment will also be relevant to future Housing Land Supply and Housing Delivery Test calculations.
- 2.30 Housing Land Supply calculations are undertaken by the Council annually in accordance with the policy contained in the NPPF and guidance contained in the [PPG on Housing Supply and Delivery](#). If a five year supply cannot be demonstrated, for decision taking on planning applications involving housing provision the 'presumption in favour of sustainable development' would apply under paragraph 11 of the NPPF. Under recent revisions to the NPPF, it is no longer a requirement to demonstrate a five year supply of housing land where a local plan is less than five years old. This new provision will not apply to the Waveney Local Plan area from 20th March 2024, and therefore for the Waveney Local Plan area this provision has been short-lived, only applying from 19th December 2023. From 20th March it will therefore be necessary to continue to demonstrate a five year supply of housing and to update this annually. Paragraph 77 of the NPPF states that "The supply should be demonstrated against either the housing

requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old”, with footnote 42 adding that “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance”. The Housing Land Supply will continue to therefore be assessed, as currently, against the housing requirement of 374 dwellings per year (with appropriate consideration given to past under supply).

- 2.31 The Housing Delivery Test is calculated each year by the Government, following the approach set out in the [Housing Delivery Test Rule Book](#). The consequences are that – result below 95% - preparation of housing action plan; result below 85% - application of 20% buffer in housing land supply assessment; result below 75% - presumption in favour of sustainable development would apply to applications relating to housing provision under paragraph 11 of the NPPF. Where the latest adopted housing requirement is more than 5 years old, the figure used will be the minimum annual housing need figure, unless the strategic policies have been reviewed and found not to require updating. Following the conclusions of the five year review assessment, the latter will apply to the Waveney Local Plan area and the Housing Delivery Test will be calculated based on the housing requirement of 374 dwellings per year for the period from 20th March 2024 onwards.
- 2.32 The assessment highlights a number of ongoing areas of work which are important in ensuring the effective implementation of the Local Plan, including the preparation of Supplementary Planning Documents, maintaining and updating the Housing Action Plan and the preparation of an Employment Land Action Plan.
- 2.33 East Suffolk Council was formed on 1st April 2019, covering the area of the former Suffolk Coastal District Council and former Waveney District Council. This assessment relates to the Waveney Local Plan to meet regulatory requirements as it is approaching its fifth anniversary of adoption. It should be noted that any reference to future updates does not imply that the Council would prepare future Local Plans on the basis of former authority boundaries, and it is expected that a future Local Plan would cover the East Suffolk area (outside of the Broads) (see section of report below on Local Development Scheme and future Local Plan preparation).
- 2.34 The assessment has been undertaken at a point in time, and officers will continue to monitor the effectiveness of policies and the delivery of the local plan.

Future reforms of the planning system

- 2.35 Whilst there is a requirement to review a local plan to consider whether it needs to be updated within five years of adoption, in theory a local authority can decide to prepare a Local Plan at any time regardless of whether the current local plan has been identified as being out of date or not. This report recommends that the East Suffolk Council – Waveney Local Plan remains effective and it is not necessary to update the plan.

- 2.36 Regardless of this, and noting that although not necessary some changes would be desirable, Cabinet should be aware of the current reforms to the planning system taking place, as this will have a bearing on the timing for preparing a new Local Plan.
- 2.37 The Government is currently proposing significant changes for Local Plan preparation and content, through the Levelling Up and Regeneration Act which received Royal Assent in October 2023. The reforms will include the introduction of National Development Management Policies which will have the same status as the development plan in decision making. The planning reforms set out in the Levelling Up and Regeneration Act are proposed to be implemented in Autumn 2024, subject to secondary legislation. Transitional arrangements are proposed under which any local plan being prepared under the current system would need to be submitted for Examination by 30 June 2025 and then adopted by 31 December 2026. Plans not submitted by that date would need to be prepared in the new format, with development management policies set nationally. Under the new regime, it is proposed that plans would be prepared within 30 months of starting (with an additional 4 months proposed to be allowed for early preparation and 3 months should there be a need for consultation on main modifications through the Examination). The deadline of June 2025, just under a year and a half away, would not provide sufficient time to prepare (including evidence collation and consultation) and submit a Local Plan. Officers anticipate further consultations to take place over coming months, and for new national policy and regulations to be published prior to the stated Autumn 2024 start date.

Overview and Scrutiny Committee - recommendations of the meetings dated 19th October 2023 and 16th November 2023

- 2.38 At its meetings on 19th October 2023 and 16th November 2023, the Council's Overview and Scrutiny Committee considered items entitled 'Review of Affordable Housing Planning Requirements' and 'Review of the Provision of Social Housing in East Suffolk', respectively. Due to the related nature of the two items, the Recommendations of both of the Committee meetings were set at the November meeting. This included the following recommendation:
- "Review the Strategic Housing Market Assessment and Local Plan documents in relation to affordable housing supply sooner rather than later and include environmental sustainability."
- 2.39 The Strategic Housing Market Assessment (SHMA) was prepared in 2017, and relates to both the Suffolk Coastal Local Plan area (as part of the Ipswich Housing Market Area) and the Waveney Local Plan area (as its own Housing Market Area). The Strategic Housing Market Assessment was prepared in accordance with guidance contained in the NPPF and PPG in place at the time. The findings of the SHMA informed the policies in the Local Plans.
- 2.40 [Part 1](#) of the SHMA assessed the overall need for housing, to inform the housing requirement. For the Suffolk Coastal Local Plan, this assessment was superseded by the introduction of the Government's standard method for calculating local housing need with the latter ultimately informing the housing requirement in the Local Plan. As the Waveney Local Plan was prepared earlier and examined against the 2012 NPPF, the 'objectively assessed need' for housing identified in the SHMA informed the housing requirement of 374 dwellings per year. Under current national policy, the standard

method rather than a new SHMA would form the basis for assessing housing need in the future.

2.41 [Part 2](#) of the SHMA assessed the need for different types of housing. Paragraph 63 of the December 2023 NPPF sets out the Government’s overall current policy in relation to assessing the need for different types of housing:

“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.”

Whilst the requirement to prepare a document specifically called a Strategic Housing Market Assessment no longer exists, the need to establish the housing needs of different sectors of the population remains, and would be an important part of future Local Plan preparation.

2.42 The following amount of affordable housing has been delivered so far over the plan periods:

- Suffolk Coastal Local Plan – 1.4.2018 – 31.3.2023: Total housing completions 2,710, of which 639 are affordable homes = 24%.
- Waveney Local Plan – 1.4.204 – 31.3.2023: Total housing completions 2,156, of which 554 are affordable homes = 26%.

2.43 These figures relate to all housing development, not just sites of 10 or more dwellings (Suffolk Coastal Local Plan area) or sites of 11 or more (Waveney Local Plan area) that are required to provide a policy compliant percentage of affordable housing.

2.44 Both Local Plans over-allocate sites for housing development, and in the case of the Waveney Local Plan this is expressly stated as being to help to address the need for affordable housing.

2.45 The Recommendation refers to ‘including environmental sustainability’. Whilst this is a broad term, both Local Plans contain policies on Sustainable Construction (SCLP9.2 of the Suffolk Coastal Local Plan and WLP8.27 of the Waveney Local Plan), and a Sustainable Construction Supplementary Planning Document was adopted in April 2022, to support implementation of those policies in particular.

2.46 The recommendation refers to reviewing the SHMA and Local Plans sooner rather than later. Whilst there is not currently considered to be a need to review the SHMA, as the policies are performing well in terms of the delivery of housing and affordable housing, the section of this report on the Local Development Scheme and indicative future Local Plan timetable addresses this recommendation.

Local Development Scheme

2.47 On 19th December 2023, the Secretary of State for Levelling Up, Housing and Communities issued a Ministerial Statement entitled ‘[The next stage in our long term plan for housing update](#)’. Within this statement, alongside a direction to seven specific named planning authorities to send a copy of their Local Plan timetable to him within 12 weeks, he stated “...I expect all other authorities to make sure that they have an up-

to-date plan timetable in place within the same timeframe, with a copy provided to my department.” This has been reiterated in the recent [Chief Planners Newsletter](#) dated 30th January 2024. Informal advice from the Planning Advisory Service (a part of the Local Government Association) is that Local Development Schemes should be updated to comply with this expectation. A Local Development Scheme is required under the Planning and Compulsory Purchase Act 2004 when preparing development plan documents (i.e. Local Plans), to set out key information including the timetable. Government guidance is that these should be kept up to date, and the Government encourages local authorities to include details of other documents that form part of the development plan for the area such as Neighbourhood Plans. The Council’s [Local Development Schemes](#) were last prepared, as required, in 2018 relating the preparation of the now-adopted Waveney Local Plan and in 2015 (updated 2020) for the now-adopted Suffolk Coastal Local Plan.

- 2.48 To reflect the current Local Plan position outlined in this report, an updated Local Development Scheme is attached as Appendix B to this report, setting out that a review assessment of the Waveney Local Plan has taken place within the required timescale under Regulation 10A of the 2012 Regulations and this has found the Plan to be effective, and that an update is not necessary.
- 2.49 As set out above, the Council does not need to wait until it is considered necessary to review a plan to prepare a new Local Plan. The NPPF sets out the importance of maintaining up to date local plans. To provide clarity on the intention to prepare a Local Plan for East Suffolk, the Local Development Scheme therefore provides an indicative timetable for the preparation of a new East Suffolk Local Plan. This is subject to further detail of the planning reforms, in particular the timeframe within which the reforms will enable plan preparation to begin. The indicative timetable anticipates formally beginning a review in Spring/Summer 2025, prior to the Suffolk Coastal Local Plan reaching its fifth anniversary since adoption. This could be brought forward if the planning reforms allow, and will be kept under review. The timescales proposed for Local Plan preparation under the new system are challenging, with the Government proposing that new local plans should be prepared within 30 months (plus scoping and early participation and an additional 3 months for Examination where ‘main modifications’ consultation is needed). The Council’s two existing Local Plans each took around three and half to four years to prepare, and this involved significant commitment and momentum to meet this timetable (the Government has quoted that under the current system local plans take at least seven years on average to prepare).
- 2.50 In the meantime to inform commencement of a review, officers will work with Members to consider the scope and ambitions for a new Local Plan, informing early evidence gathering, detailed timetabling and the needs for resources. The Council’s cross-party Local Plan Working Group provides a forum for this, alongside wider forums for Members at appropriate points, as well as engagement with other service areas in the Council.
- 2.51 A key future consideration will be the resourcing of a new Local Plan. The preparation of the Council’s two current adopted Local plans cost over £700,000 in evidence base and Examination costs alone (excluding other important costs such as staff). This highlights the importance of ensuring that there is clarity and certainty on what is

required under a new planning system, to avoid abortive work. A reserve of £400,000 is held for the purposes of future Local Plan preparation, and an annual budget of £61,200 per annum for planning policy consultancy work is currently allocated within the Council's medium term financial strategy. However based on the costs of previous Local Plans and anticipating increased costs given the passage of time additional financial resource would be needed to fully fund a new Local Plan beyond the 2024/25 year. Early work would identify the resource needed and a further paper will be brought to Members at the appropriate time setting out the resource needed.

- 2.52 The evidence needed to inform a new Local Plan will cover a range of topics and is anticipated to include assessment of matters such as housing needs, employment needs, retail studies, and environmental matters such as flood risk and water supply. Engaging with adjoining planning authorities and other key stakeholders under the Duty to Co-operate (or replacement provision under the reforms) would take place throughout.
- 2.53 The preparation of the updated Local Development Scheme also responds to the recommendation of the Overview and Scrutiny Meeting at its meeting on 16th November 2023, set out in paragraphs 2.38 to 2.47 above.
- 2.54 Officers will keep under review the position and timetable for local plan preparation once further details of the national reforms are available.
- 2.55 Although not a requirement, we have also taken the opportunity to provide updates in the Local Development Scheme on the preparation of other key planning policy documents, such as Neighbourhood Plans and Supplementary Planning Documents. It is important to note that, since the adoption of the current Local Plans, the Council has invested significant effort in ensuring the right guidance and strategies are in place to support delivery of the Local Plans, such as Supplementary Planning Documents on a range of topics including affordable housing and sustainable construction, and the East Suffolk Cycling and Walking Strategy which is now being taken forward for implementation through the cross-party Cycling, Walking and Wheeling Working Group.
- 2.56 The Local Development Scheme also includes reference to the future preparation of a Design Code, under the forthcoming requirement of the Levelling Up and Regeneration Act for authorities to prepare a Design Code for their area.
- 2.57 The Local Development Scheme is attached at Appendix B, and will replace the previous Local Development Schemes referred to in paragraph 2.48 above, and be published on the Council's website. A copy of the updated Local Development Scheme will be provided to the Department for Levelling Up, Housing and Communities, as requested. Town and Parish Councils and neighbouring authorities will also be notified, in accordance with the Council's Statement of Community Involvement. The Local Development Scheme will take effect from Friday 15th March 2024, following the Cabinet call-in period, and in the interim DLUHC will be notified of the Cabinet papers.

3 Proposal

- 3.1 The Council has a statutory duty to review the East Suffolk Council – Waveney Local Plan to consider whether it needs to be updated, by 20th March 2024. This review has been undertaken as set out in Appendix A, and concludes that the Local Plan remains effective and that it is not necessary to begin a review at this time. It is proposed that this assessment is published on the Council’s website to meet the statutory requirements.
- 3.2 Cabinet are also asked to note the upcoming planning reforms, which will have a bearing on when work on a future Local Plan can begin.
- 3.3 Cabinet are also asked to approve the updated Local Development Scheme, setting out an indicative timetable for future preparation of an East Suffolk Local Plan.

4 Financial Implications

- 4.1 The cost of undertaking and publishing the East Suffolk Council – Waveney Local Plan review assessment is met through the current budget of the Planning Policy and Delivery Team.
- 4.2 The need for additional resources associated with preparing a new Local Plan would be subject to future reports and decisions. A reserve of £400,000 is held for the purposes of future Local Plan preparation, and an annual budget of £61,200 per annum for planning policy consultancy work is currently within the Council’s medium term financial strategy, however based on the costs of previous Local Plans (see paragraph 2.51 above) additional financial resource would be needed to fully fund a new Local Plan beyond the 2024/25 year. Early work on scoping a new Local Plan would identify the resource needed and this would be subject to a future decision.

5 Legal Implications

- 5.1 It is a requirement of the Planning and Compulsory Purchase Act 2004 to review a local plan prior to the fifth anniversary of it being adopted to consider whether it needs to be updated. Not undertaking and publishing the assessment would be a breach of the Council’s statutory duty in this regard.
- 5.2 There are also legal requirements related to the content of a Local Development Scheme, as set out in Section 15 of the Planning and Compulsory Purchase Act 2004. These have been complied with in the Local Development Scheme at Appendix B of this report.
- 5.3 Legal input has been provided to the Council in drafting this report, Waveney Local Plan Review Assessment and the Local Development Scheme.

6 Risk Implications

- 6.1 The risks associated with taking this decision lie primarily in any decision not to publish the review assessment. This would be a breach of the Council’s statutory duties. In a planning application appeal situation, an Inspector may give weight to the fact a review

had not been undertaken and would not have the benefit of the Council's assessment in coming to his or her own view on whether a policy is or is not out of date.

6.2 A further risk would lie in any decision not to update the Local Development Scheme and not to provide this to the Secretary of State for Levelling Up, Housing and Communities. This may cast doubt on whether the Council intends to prepare a new Local Plan in the future, and in the extreme the Secretary of State could intervene in the Council's plan making processes.

6.3 A risk assessment, using the Council's risk assessment framework, is included in the Local Development Scheme.

7 Options

7.1 The alternative option to the recommendation of this report is to not undertake and publish a review assessment. This is not considered a viable option given the statutory requirement to undertake this assessment.

7.2 Cabinet could also decide not to publish an updated Local Development Scheme. This would however fail to meet the expectations of the Secretary of State for Levelling Up, Housing and Communities.

8 Recommendations

8.1 That Cabinet:

1. Approves the content and conclusions of the review assessment of the East Suffolk Council – Waveney Local Plan (Appendix A of this report) and agrees that the Local Plan is effective and that a local plan update is not necessary.
2. Agrees that the review assessment of the East Suffolk Council – Waveney Local Plan (Appendix A of this report) be published.
3. Notes the information contained in this report relating to the forthcoming planning reforms.
4. Approves the Local Development Scheme (Appendix B of this report) and agrees to its publication, replacing the Council's existing Local Development Schemes, and that this will take effect from Friday 15th March 2024.
5. Authorises the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to make any presentational and typographical changes to the Waveney Local Plan review assessment and the Local Development Scheme prior to them being published.
6. Notes the recommendations of the Overview and Scrutiny Committee meetings of 19th October 2023 and 16th November 2023 (as set out in paragraph 2.38 of this report), and that the approval of the Local Development Scheme (Appendix B) setting out an indicative timeline for a future local plan review responds to this recommendation.

9 Reasons for Recommendations

9.1 The reasons for the recommendations are:

- To meet the statutory requirement to review a local plan within five years from the date of adoption to consider whether it needs updating, and to publish the reasons if it is considered that no update is necessary;
- That based on the assessment contained in Appendix A, it is not necessary to commence an update to the East Suffolk Council – Waveney Local Plan.
- The forthcoming planning reforms should be noted given their relevance to considering the timing of a future Local Plan;
- The publication of the updated Local Development Scheme will address the expectations in the Ministerial Statement of 19th December 2023;
- To respond to the recommendations of the meetings of Overview and Scrutiny Committee on 19th October 2023 and 16th November 2023.

10 Conclusions/Next Steps

10.1 Should the decision be taken as recommended, the review assessment contained at Appendix A of this report will be published on the Council's website.

10.2 The updated Local Development Scheme contained at Appendix B will also be published on the Council's website, replacing the former Local Development Schemes as outlined in paragraph 2.48, and will also be provided to the Department of Levelling Up, Housing and Communities as the Council's current position. Town and Parish Councils and neighbouring authorities will also be notified, in accordance with the Council's Statement of Community Involvement.

10.3 The introduction of the planning reforms will be kept under review, and Members advised accordingly in relation to the implications and timing of future Local Plan preparation.

Areas of consideration comments

Section 151 Officer comments:

There are no budget impacts as a result of the recommendations in this report. As highlighted in Section 4, any financial implications associated with preparing a new Local Plan would be the subject of a separate report and decision.

Monitoring Officer comments:

The legal position is summarised in the report. There are no additional comments.

Equality, Diversity and Inclusion/EQIA:

An Equality Impact Assessment was undertaken as part of the preparation of the Waveney Local Plan. For the purpose of preparing this report, an Equality Impact Assessment has been undertaken the outcome of which is that the decision will not have equalities impacts. The assessment reference is EQIA584051664.

Safeguarding:

Not applicable

Crime and Disorder:

Policy WLP8.29 of the East Suffolk Council – Waveney Local Plan sets out that the design of development should take account of the need to promote public safety and deter crime and disorder.

Corporate Services implications:

(i.e., Legal, Finance, Procurement, Human Resources, Digital, Customer Services, Asset Management)

Legal services officers have been consulted during the preparation of the review assessment and the report, but there are no identified impacts on the service arising from agreement to the recommendations in this report.

Residents and Businesses consultation/consideration:

There is no requirement to consult on the review assessment. However, residents and businesses were extensively consulted during the preparation of the Local Plan, and would also be extensively consulted as part of the preparation of any future Local Plan.

Appendices:

Appendix A	East Suffolk Council – Waveney Local Plan – Five year statutory review assessment (March 2024)
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Appendix B	East Suffolk Local Development Scheme (March 2024)
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Background reference papers:

Date	Type	Available From
2019	East Suffolk Council – Waveney Local Plan	Adopted-Waveney-Local-Plan-including-Erratum.pdf (eastsuffolk.gov.uk)
2023	National Planning Policy Framework	National Planning Policy Framework (publishing.service.gov.uk)
2023	Written Ministerial Statement – The Next Stage in our Long Term Plan for Housing Update	Written statements - Written questions, answers and statements - UK Parliament
2020	East Suffolk Council – Suffolk Coastal Local Plan	eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf
Various	Supplementary Planning Documents and other guidance	Supplementary Planning Documents and other guidance » East Suffolk Council
Various – most recent 2022/23	Authority Monitoring Reports, and Planning Delivery Dashboard	Open data, monitoring and housing supply » East Suffolk Council
2021	Planning Practice Guidance on Plan-Making	Plan-making - GOV.UK (www.gov.uk)
2023	2022 Housing Delivery Test result	Housing Delivery Test: 2022 measurement - GOV.UK (www.gov.uk)
2023	Housing Land Supply Statement	Housing Land Supply » East Suffolk Council
Various	Housing Action Plan	Housing Action Plan » East Suffolk Council
2023	East Suffolk Council Strategic Plan - 'Our Direction 2028'	East Suffolk Strategic Plan » East Suffolk Council
2022	East Suffolk Cycling and Walking Strategy	East Suffolk Cycling and Walking Strategy » East Suffolk Council
2024	Planning Practice Guidance on Housing Supply and Delivery	Housing supply and delivery - GOV.UK (www.gov.uk)
2018	Housing Delivery Test Rule Book	Housing Delivery Test Rule Book
2017	Strategic Housing Market Assessment Part 1	Strategic-Housing-Market-Assessment-Part-1.pdf (eastsuffolk.gov.uk)
2012	National Planning Policy Framework (now superseded)	[ARCHIVED CONTENT] UK Government Web Archive - The National Archives
2017	Strategic Housing Market Assessment Part 2	Microsoft Word - SHMA Pt2 24th May - ERRATA (eastsuffolk.gov.uk)
2024	DLUHC Chief Planner Newsletter	Planning newsletter 30 January 2024 (publishing.service.gov.uk)
2018	Waveney Local Development Scheme	CONTENTS (eastsuffolk.gov.uk)
2015 (updated 2020)	Suffolk Coastal Local Plan Local Development Scheme	CONTENTS (eastsuffolk.gov.uk)
2021	East Suffolk Statement of Community Involvement	Statement-of-Community-Involvement.pdf (eastsuffolk.gov.uk)
2024	Equalities Impact Assessment ref EQIA584051664	By request to andrea.mcmillan@eastsuffolk.gov.uk