



FULL COUNCIL
Wednesday, 27 July 2022

Subject	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	<p>Dickon Povey Principal Planner (Policy and Delivery) dickon.povey@eastsoffolk.gov.uk (01502) 523043</p> <p>Ruth Bishop Senior Planner (Policy and Delivery) Ruth.bishop@eastsoffolk.gov.uk (01502) 523028</p> <p>Melanie Seabrook Planner (Policy & Delivery) melanie.seabrook@eastsoffolk.gov.uk (01502) 523030</p>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Lothingland

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to “make” the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan (Referendum Version, May 2022) (“the Neighbourhood Plan”) part of the Development Plan for East Suffolk after a positive outcome at the Referendum held on 23rd June 2022. The neighbourhood area covers part of both East Suffolk and the Broads Authority executive area.

The Referendum question asked: “Do you want the Broads Authority and East Suffolk Council to use the neighbourhood plan for Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan to help it decide planning applications in the Neighbourhood Area?” More than 50% of those voting in the Referendum voted “YES” to the question and the Council and the Broads Authority must now “make” the Neighbourhood Plan, unless it considers the Neighbourhood Plan would breach or be incompatible with any EU obligation or any of the Convention Rights.

Once “made” by East Suffolk Council, the Neighbourhood Plan will become part of the Development Plan for East Suffolk and sit alongside the adopted East Suffolk Council Waveney Local Plan. The Development Plan is used to determine planning applications. The Broads Authority will take their own decision to make the neighbourhood plan at the Broads Authority meeting on 29th July 2022.

Options:

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

Recommendation:

That the Council “make” the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan (Referendum version, May 2022) part of the statutory Development Plan for the part of the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Area within East Suffolk.

Corporate Impact Assessment

Governance:

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

ESC policies and strategies that directly apply to the proposal:

The Neighbourhood Plan is in general conformity with the relevant strategies of the East Suffolk Council - Waveney Local Plan. This is something a Neighbourhood Plan is tested against at Examination.

Environmental:

The Neighbourhood Plan contains six objectives relating specifically to the environment. These span: enhancing the rural character of the parishes and its margins with the Broads; retaining agricultural land; enhancing access to the countryside; maintaining rural views; and protecting and maintaining heritage assets.

Individual policies in the Neighbourhood Plan contribute to achieving these objectives will support the delivery of the Environment priorities in the Strategic Plan. For example, the Neighbourhood Plan contains a policy supporting native trees and planting to enhance biodiversity in new public open space. Public rights of way are safeguarded and improved connectivity to these is also supported. The neighbourhood plan is supported by a 'Masterplanning and Design Guidelines' document to assist with improving the quality of the environment through well-designed development.

Equalities and Diversity:

Equality Impact Assessment ref: EQIA436341924 has been carried out. A minor positive effect on those groups with low incomes was identified. No negative impacts on those with protected characteristics were identified and no mitigating actions are identified/required.

Financial:

In accordance with the Community Infrastructure Levy (CIL) Regulations, Parish/Town Councils with a made Neighbourhood Plan in place will receive 25% of CIL receipts from liable development schemes permitted after the Neighbourhood Plan is made. For towns and parishes with no made Neighbourhood Plan, they will receive 15% of CIL receipts. (Further details on CIL can be found via the following link: <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>)

The Council has claimed Neighbourhood Planning Grant of £20,000 from the Government to cover costs for supporting the Neighbourhood Plan through the process. This can be claimed once a date has been set for the Referendum.

The neighbourhood plan includes economic objectives including supporting employers; supporting the diversification of agriculture; supporting sites for business start-ups; and supporting tourism and leisure businesses.

Human Resources:

No impacts.

ICT:

No impacts.

Legal:

No impacts.

Risk:

There are no risks anticipated in relation to the implementation of the recommendation.

External Consultees:	The Neighbourhood Plan has been subject to extensive consultation throughout the course of its preparation. This has included consultation with the community as a whole; statutory consultees; and a broad range of other interested parties. Details of the consultation process can be found in the Consultation Statement referenced in Background Reference Papers.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input checked="" type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

The Neighbourhood Plan includes the community's vision and sets out how this will be delivered. This supports P09 'Community Pride' by promoting involvement, participation and positive action in the community and delivering the collective vision and objectives.

P01 'Build the Right Environment for Suffolk' is supported by guiding the mix and size of new homes being built in the neighbourhood area to meet local needs. Design guidelines are set out for three sites (one in Lound, two in Somerleyton) allocated in East Suffolk Council's Local Plan to help deliver well-designed development, responding positively to local factors. The plan's policies also guide the design of new open space; parking provision in new development; and gives support for the development of local businesses.

P03 'Maximise and grow the unique selling points of East Suffolk' is delivered via the neighbourhood plan's support for local businesses and agriculture and delivery of well-designed development.

Priority P05 'Support and Deliver Infrastructure' is supported in the neighbourhood plan through the support for a new village hall and changing rooms in Somerleyton and the retention and enhancement of local community facilities in general.

The Neighbourhood Plan is an excellent example of community-led planning which directly supports P07 'Taking Positive Action on What Matters Most'. Neighbourhood Plans enable communities to plan and respond to local issues.

The Neighbourhood Plan supports delivery of local community facilities including a new village hall and changing rooms in Somerleyton which helps underpin P08 'Maximising health, well-being and safety in our District'.

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

The Neighbourhood Plan contains a range of policies which promote protection and enhancement of the environment. These include guidelines for good quality landscaping in new developments; provision of native trees and planting to enhance biodiversity in new public open space; and strengthening foot, cycle and bridle ways connections in the countryside. This supports priority P23 'Protection, Education and Influence' by using the Council's policy-making function to protect and enhance the environment.

Background and Justification for Recommendation

1 Background facts	
1.1	Neighbourhood Plans were introduced by the Localism Act in 2011. They allow communities to write their own plan containing planning policies which, once 'made', form part of the development plan and are used alongside the East Suffolk Local Plans and national planning policy. Consideration of the development plan is a statutory element of determining planning applications. Neighbourhood Plans also commonly include non-policy actions which reflect the community's aspirations but are not suitable as planning policies. More information on the plan is included below and the full version is in appendix A.
1.2	Lound Parish Council and Ashby, Herringfleet and Somerleyton Parish Council have taken up the opportunity to produce a Neighbourhood Plan for their community.

	<p>The plan has been developed by the community with the Parish Councils being the 'Qualifying Body'. The plan has been through several stages of consultation, including statutory consultations, and an Examination carried out by an independent examiner. The Examiner recommended that the Neighbourhood Plan proceeded to a Referendum. The Referendum took place on 23rd June 2022.</p> <p>The question asked at the Referendum is: <i>Do you want the Broads Authority and East Suffolk Council to use the Neighbourhood Plan for Lound with Ashby, Herringfleet and Somerleyton to help it decide planning applications in the neighbourhood area?</i></p> <p>193 people voted 'yes' and 17 people voted 'no'. The referendum outcome was therefore positive. Turnout was 34.3%.</p>
1.3	<p>Neighbourhood Planning Regulations state that the Neighbourhood Plan will carry full weight once the plan has passed the Referendum. The Neighbourhood Plan will formally become part of the Development Plan once it is made. The Council is required to make the Neighbourhood Plan within 8 weeks of the day following the Referendum, unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention of Rights. No such breaches or incompatibilities have been identified for the Neighbourhood Plan.</p>
1.4	<p>Areas with a made Neighbourhood Plan benefit from a greater proportion of the 'Community Infrastructure Levy' (CIL) where this is payable. The CIL is a tariff paid by liable forms of development and it is calculated using the development's floor area. CIL is paid to the Council by the developer. A proportion of this money is then paid directly to the Parish or Town Council on a bi-annual basis. Parish or Town Councils receive 25% CIL receipts where there is a made Neighbourhood Plan in place, or 15% without. The CIL regulations apply a cap to the annual amount of CIL transferred to Parish or Town Councils where there is no Neighbourhood Plan in place. It is capped at £100 per dwelling (indexed for inflation). There is no cap on the 25% transferred when a made Neighbourhood Plan is in place.</p>
1.5	<p>The Neighbourhood Plan Area covers the entire parishes of Lound and Ashby, Herringfleet and Somerleyton. A link to the 'Neighbourhood Area Decision Notice' is provided in the Background Reference Papers. The Neighbourhood Plan aims to guide development on three sites which have been allocated for housing in East Suffolk's Waveney Local Plan. The neighbourhood plan specifically requires development proposals on these sites to take in to account the guidelines set out in the Masterplanning and Design Guidelines document, which was produced by consultants on behalf of the Parish Councils. A link to this document is provided in the background reference section of this report. The plan also requires all other residential in general to respond positively to the Masterplanning and Design Guidelines document. The neighbourhood plan also provides support for delivery of smaller homes of 1, 2 or 3 bedrooms. The plan gives direction on how new public open space should be designed so that the character of the villages is maintained and enhanced and biodiversity improvements are provided. Public rights of way in the parishes are safeguarded and new connections to these are supported. The neighbourhood plan also sets out minimum parking requirements</p>

	for new residential development. Local community facilities are supported in general, with specific support provided for a new village hall and changing rooms at the playing field in Somerleyton. Development of new businesses or expansion or existing businesses is also supported.
1.6	Lound and Ashby, Herringfleet and Somerleyton Parish Councils consulted with the local community to produce their plan. This is documented in their Consultation Statement (see Background Reference Papers). Following this, the Neighbourhood Plan was submitted to the Council and the Council publicised the plan, inviting comments over the period of 1 st September to 13 th October 2021.
1.7	<p>Following this period of publicity, East Suffolk Council and the Broads Authority, with the agreement of Lound and Ashby, Herringfleet and Somerleyton Parish Councils, appointed independent Andrew Ashcroft BA (Hons) M.A DMS MRTPI to examine the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan. The role of the Examiner is to ensure the Neighbourhood Plan meets the relevant legislative and procedural requirements. Testing against the 'Basic Conditions' set out in the Town and Country Planning Act 1990 is the main element of this. The Examiner issued his Report in February 2022 (see Background Reference Papers) and it concluded that subject to modifications the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum. It also concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.</p> <p>Following discussion with the Parish Councils, East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) and the Broads Authority considered each of the recommended modifications which were all then agreed. The Decision Statement for the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan was published in March 2022 (see Background Reference Papers) (an erratum version was subsequently published in May 2022 to correct some minor errors). The date for the Referendum of 23rd June 2022 was agreed with the Parish Councils.</p>

2 Current position

2.1	The Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan successfully passed the Referendum on 23 rd June 2022. Legislation states that the Council must make a Neighbourhood Plan within 8 weeks of the day after a successful Referendum, unless it considers that this would breach or be incompatible with any EU obligation or any of the Convention of Rights.
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3 How to address current situation

3.1	The Council should make the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan without delay.
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4 Reason/s for recommendation

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

Appendices:	
Appendix A	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan (Referendum Version, May 2022)

Background reference papers:		
Date	Type	Available From
September 2016	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Area Decision	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Lound-Ashby-Herringfleet-and-Somerleyton/Decision-notice.pdf
June 2019	Lound and Somerleyton, Suffolk – Masterplanning and Design Guidelines	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Lound-Ashby-Herringfleet-and-Somerleyton/Submission-Consultation/Design-Guide.pdf
Sept 2022	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Lound-Ashby-Herringfleet-and-Somerleyton/Submission-Consultation/LAHS-Consultation-Statement-2021.07.28.pdf
February 2022	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan Examiner’s Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Lound-Ashby-Herringfleet-and-Somerleyton/Examination-Documents/Examiners-Report.pdf
May 2022	Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Lound-Ashby-Herringfleet-and-Somerleyton/Examination-Documents/Decision-statement.pdf