



Committee	Full Council
Date	24/07/2024
Subject	Easton Neighbourhood Plan
Cabinet Member	Councillor Kay Yule – Cabinet member with responsibility for Planning and Coastal Management
Report Author(s)	Anthony Taylor Senior Planner (Planning Policy and Delivery) Anthony.taylor@eastsoffolk.gov.uk
Head of Service	Ben Woolnough Head of Planning, Building Control and Coastal Management Ben.woolnough@eastsoffolk.gov.uk
Director	Nick Khan Strategic Director Nick.khan@eastsoffolk.gov.uk

Key Decision?	No
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 purpose of this Report is to “make” the Easton Neighbourhood Plan part of the Development Plan for East Suffolk following the positive result of the Referendum on 13 June 2024. The Referendum question asked:

“Do you want East Suffolk Council to use the Neighbourhood Plan for Easton 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 East Suffolk Council 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 Suffolk Coastal Local Plan. The Development Plan is used to determine planning applications.

Recommendation(s)

That Full Council:

Makes the Easton Neighbourhood Plan (Referendum version, June 2024) part of the statutory Development Plan for East Suffolk for the whole of the Easton neighbourhood area

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact

The Easton Neighbourhood Plan contains policies that seek to protect the environment. Policy ETN4 (Dark Skies) seeks to preserve dark skies, and the wildlife supported by dark skies, through the avoidance of unnecessary lighting in new development. Policy ETN5 (Protection of Landscape Character and Important Views) seeks to preserve the landscape character of Easton and the key features of identified important views. Policy ETN6 (Recreational Disturbance Avoidance and Mitigation) seeks to avoid adverse impacts on European sites from recreational pressure. Policy ETN7 (Biodiversity and Habitats) seeks to avoid harm to and loss of natural features. Policy ETN8 (Local Green Spaces) identifies a number locally special green spaces that are protected from development other than in exceptional circumstances. Policy ETN9 (Non-Designated Heritage Assets) identifies a number of buildings and structures as non-designated heritage assets and seeks to preserve them on the basis of their heritage value.

Sustainable Housing

The Easton Neighbourhood Plan includes a number of policies designed to increase the number and quality of homes in the parish. Policy ETN1 (Housing Development) sets out the overarching strategy for housing delivery within the parish, including the desire for adaptable and accessible homes to meet a broad range of needs. Policy ETN2 (Conversion of Rural Buildings to Dwellings) seeks to ensure conversions of rural

	buildings to homes are delivered to high standards and preserve the historic value of the buildings. Policy ETN3 (Land south-west of Wickham Market Road) allocates approximately 12 homes for development on a site identified by the community. Taken together these policies demonstrate a proactive approach to the delivery of high quality housing.
Tackling Inequalities	Easton Neighbourhood Plan policy ETN11 (Village Services and Facilities) seeks to protect the identified services and facilities from loss through redevelopment. The policy makes clear that enhancements to such services and facilities should make them more accessible to residents with limited mobility. These services and facilities provide valuable facilities for local families, as well as acting as important locations for communal activities.
Thriving Economy	Easton Neighbourhood Plan policy ETN6 (Recreational Disturbance Avoidance and Mitigation) seeks to protect designated sites from recreational pressure, thereby supporting responsible tourism and the visitor economy. Policy ETN11 (Village Services and Facilities) seeks to protect the identified services and facilities from loss through redevelopment, and support their enhancement for the valued contribution such services and facilities make to the local economy.
Our Foundations / governance of the organisation	The Easton Neighbourhood Plan has no policies relating to Our Foundations / governance of the organisation.

Justification for recommendations

1. Background

- 1.1. The Localism Act 2011 created the neighbourhood planning regime, which enabled qualifying bodies (principally Town and Parish Councils) to prepare Neighbourhood Plans for their local areas. Neighbourhood Plans contain planning policies, become part of the Development Plan for the area and carry the same legal status as the Suffolk Coastal Local Plan and Waveney Local Plan in the determination of planning applications.
- 1.2. The Easton Neighbourhood Plan (Appendix A) has been prepared in accordance with the relevant legal provisions, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012.
- 1.3. The preparation of the Easton Neighbourhood Plan has been carried out by Easton Parish Council and the local community, with support from a planning consultant and East Suffolk Council planning officers.
- 1.4. The Neighbourhood Planning (General) Regulations 2012 require at least two stages of consultation as part of the preparation of the Neighbourhood Plan. It is the responsibility of the qualifying body to carry out the first of these consultations, and of East Suffolk Council to carry out the latter.
- 1.5. The first of these consultations on the draft Neighbourhood Plan was carried out between 4 February and 20 March 2023. The second consultation was carried out between 10 November 2023 and 19 January 2024.
- 1.6. Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the Draft Neighbourhood Plan to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was required due to the proposed site allocation for approximately 12 homes. The full Strategic Environmental Assessment concluded that on balance the effects of the Neighbourhood Plan are likely to be positive. The Strategic Environmental Assessment Screening Opinion and the full Strategic Environmental Assessment are available as background reference papers.
- 1.7. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Habitats Regulations Assessment, incorporating Appropriate Assessment (background reference document) was also undertaken. The assessment concluded that the Easton Neighbourhood Plan will not lead to any adverse effects on the relevant protected Habitat Sites.

2. Introduction

- 2.1. 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.

- 2.2. Easton Parish Council has taken up the opportunity to produce a Neighbourhood Plan for its community. The plan has been developed by the community with the Parish Council 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 proceed to a Referendum.
- 2.3. The Referendum took place on 13 June 2024. The question asked at the Referendum was: Do you want East Suffolk Council to use the Neighbourhood Plan for Easton to help it decide planning applications in the neighbourhood area?
- 2.4. 127 people voted 'yes' and 13 people voted 'no'. The referendum outcome was therefore **positive**. The turnout was 45%.
- 2.5. The Neighbourhood Plan will become formally part of the Development Plan for East Suffolk once it is made. East Suffolk 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 Rights. No such breaches or incompatibilities have been identified for the Neighbourhood Plan.
- 2.6. Areas with a made Neighbourhood Plan benefit from a greater proportion of the 'Community Infrastructure Levy' (CIL) where this is payable. The CIL is a tariff paid by liable forms of development and it is calculated using the development's floor area. CIL is paid to the Council by the developer. A proportion of this money is then paid directly to the Parish or Town Council on a bi-annual basis. Parish or Town Councils receive 25% of CIL receipts where there is a made Neighbourhood Plan in place, or 15% without. The CIL regulations apply a cap to the annual amount of CIL transferred to Parish or Town Councils where there is no Neighbourhood Plan in place. It is capped at £100 per dwelling (indexed for inflation). There is no cap on the 25% transferred when a made Neighbourhood Plan is in place.
- 2.7. The Neighbourhood Plan area, which was designated by East Suffolk Council on 19 December 2017, covers the entire parish.
- 2.8. The plan addresses a wide range of topics which are important to the local community. Planning policies in the plan relate to:
 - Housing development and an allocation for approximately 12 homes
 - Conversions of rural buildings to homes
 - Dark skies
 - Protection of landscape character and important views
 - Recreational Disturbance Avoidance and Mitigation
 - Biodiversity and habitats
 - Local green spaces
 - Non-designated heritage assets
 - Design considerations

- Village services and facilities

- 2.9. Easton Parish Council engaged with their local communities in producing their plan. This process is documented in their Consultation Statement (see Background Reference Papers). This included a formal consultation, which ran between 4 February and 20 March 2023. Following this, the Neighbourhood Plan was submitted to East Suffolk Council. East Suffolk Council then publicised the plan and invited comments. This consultation commenced on 10 November 2023 and was due to conclude on 22 December 2023. However, due to the introduction of a revised National Planning Policy Framework the consultation was extended until 19 January 2024. Following this period of publicity, East Suffolk Council, with the agreement of the Parish Council, appointed an independent Examiner to examine the 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.
- 2.10. Ann Skippers MRTPI FHEA FRSA AoU was appointed to examine the Easton Neighbourhood Plan. She issued her Report in March 2024 (see Background Reference Papers) and concluded that subject to modifications the Easton Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.
- 2.11. The Examiner concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.
- 2.12. East Suffolk Council (using powers delegated to the Head of Planning, Building Control and Coastal Management) considered each of the Examiner's recommended modifications, in consultation with the Parish Council. The Council agreed with all of the Examiner's recommended modifications (although considered some minor amendments were necessary for a small number of them).
- 2.13. These considerations are set out in the Decision Statement for the Neighbourhood Plan (see Background Reference Papers). The Decision Statement for the Easton Neighbourhood Plan was published in April 2024. The Referendum was then held on 13 June 2024 and, as covered above, the Neighbourhood Plan was successful.
- 2.14. 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 Rights. There are no indications of breaches or compatibility issues with any EU obligation or any of the Convention Rights therefore the Council must make the Neighbourhood Plan.

3. Proposal

- 3.1. The Easton Neighbourhood Plan contains planning policies designed to guide development proposals as envisaged by the community and Easton Parish Council. The Neighbourhood Plan has been prepared following a process of thorough public engagement and examination by an independent examiner. The Neighbourhood Plan has been prepared in accordance with EU Legislation, including the Convention Rights. It has also been prepared to be in general conformity with the strategic policies of the

Suffolk Coastal Local Plan, and have regard to the Government's national planning policies and guidance.

4. Financial Implications

- 4.1. The preparation of the Easton Neighbourhood Plan was undertaken by Easton Parish Council. Officer assistance is covered by the existing budget of the Planning Policy and Delivery Team.
- 4.2. Areas with a made Neighbourhood Plan benefit from a greater proportion of the 'Community Infrastructure Levy' (CIL) where this is payable. Parish or Town Councils receive 25% of CIL receipts where there is a made Neighbourhood Plan in place, or 15% without. The CIL Regulations apply a cap to the annual amount of CIL transferred to Parish or Town Councils where there is no Neighbourhood Plan in place. It is capped at £100 per dwelling (indexed for inflation). There is no cap on the 25% transferred when a made Neighbourhood Plan is in place.

5. Legal Implications

- 5.1. The Easton Neighbourhood Plan has been prepared in accordance with the relevant legal provisions, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012.
- 5.2. The Neighbourhood Plan has been subject to a Strategic Environmental Assessment Screening Opinion and full Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. It has also been subject to Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 5.3. For the purpose of preparing this report, a DASH Equality Impact Assessment has been undertaken, the outcome of which is that the decision will not have negative equalities impacts. The assessment reference is EQIA622994182.
- 5.4. A legal challenge can be made in relation to the Council declining to make a Neighbourhood Plan which has been successful at referendum. (Unless agreed with the qualifying body or if the plan is considered to breach the EU obligations or convention rights). Proceedings must be bought within six weeks of the day the decision is published.
- 5.5. A legal challenge can also be made regarding the conduct of the referendum. Proceedings must be bought by a claim for judicial review filed within six weeks beginning the day on which the results are published.

6. Risk Implications

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

7. Options

- 7.1. Make the Easton Neighbourhood Plan, meaning the East Suffolk Development Plan includes policies prepared by Easton Parish Council that are specific to the Easton neighbourhood area. It would also ensure that East Suffolk Council meets the

requirement to make the Neighbourhood Plan within eight weeks following the day after it is approved at referendum.

- 7.2. An alternative option would be to not make the Neighbourhood Plan. However, this option can only be taken if it is considered that the making of the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998). There are no indications of breaches or compatibility issues therefore the Council must make the Neighbourhood Plan.

8. Recommendations

- 8.1. That Full Council:

Makes the Easton Neighbourhood Plan (Referendum version, June 2024) part of the statutory Development Plan for East Suffolk for the whole of the Easton neighbourhood area

9. Reasons for Recommendations

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

10. Conclusions/Next Steps

- 10.1. If Full Council accepts the recommendation, the Easton Neighbourhood Plan will be made and published in accordance with the regulations.

Areas of consideration comments

Section 151 Officer comments:

There are no financial implications for the Council related to the report recommendations. The Section 151 Officer has been consulted and has no further comments.

Monitoring Officer comments:

The Monitoring Officer has been consulted and has no comments.

Equality, Diversity and Inclusion/EQIA:

For the purpose of preparing this report, a DASH Equality Impact Assessment has been undertaken, the outcome of which is that the decision will not have equalities impacts. The assessment reference is EQIA622994182.

Safeguarding:

Not applicable

Crime and Disorder:

Not applicable

Corporate Services implications:

Legal Services' officers have been consulted during the preparation of 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:

Easton Parish Council has engaged with the local community as a whole in producing the neighbourhood plan. Furthermore, the Easton Neighbourhood Plan has been subject to two formal rounds of consultation. The first of these formal consultations was carried out between the 4 February 2023 and the 20 March 2023, and the second ran from the 10 November 2023 and the 19 January 2024.

Further details of the community engagement carried out throughout the preparation of the Easton Neighbourhood Plan is contained in the Consultation Statement (background reference paper).

Appendices:

Appendix A	Easton Neighbourhood Plan (Referendum Version, June 2024)
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Background reference papers:

Date	Type	Available From
October 2023	Easton Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Submission/Consultation-Statement.pdf
March 2024	Easton Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Referendum/Examiners-Report.pdf

April 2024	Easton Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Referendum/Decision-Statement.pdf
September 2021	Strategic Environmental Assessment Screening Opinion	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Submission/Easton-Neighbourhood-Plan-Strategic-Environmental-Assessment-Screening-Opinion-September-2021.pdf
August 2022	Full Strategic Environmental Assessment	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Submission/Easton-NP-SEA-Environmental-Report-v3.pdf
September 2021	Habitats Regulations Assessment of the draft Easton Neighbourhood Plan	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Easton/Submission/Easton-Neighbourhood-Plan-Habitats-Regulations-Assessment-September-2021.pdf
December 2018	Suffolk Coastal Local Plan Habitats Regulations Assessment	https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Final-Draft-Local-Plan/Habitats-Regulations-Assessment.pdf
May 2019	Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk Coast RAMS)	https://www.eastsuffolk.gov.uk/assets/Planning/Section-106/Habitat-mitigation/Suffolk-HRA-RAMS-Strategy.pdf