



FULL COUNCIL
Wednesday, 22 February 2023

Subject	Halesworth and Oulton Neighbourhood Plans
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
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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:	Halesworth & Blything Oulton Broad

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to “make” the Halesworth Neighbourhood Plan and the Oulton Neighbourhood Plan part of the Development Plan for East Suffolk following positive results of the Referendums on 2nd February 2023. Part of the Oulton neighbourhood areas fall within the Broads Authority area. The Referendum questions asked:

“Do you want East Suffolk Council to use the Halesworth Neighbourhood Plan to help it decide planning applications in the Neighbourhood Area?” and,

“Do you want the Broads Authority and East Suffolk Council to use the Oulton Neighbourhood Plan to help them decide planning applications in the Neighbourhood Area?”

More than 50% of those voting in each Referendums voted “YES” to the question and East Suffolk Council (and the Broads Authority for the Oulton Neighbourhood Plan) 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 Plans 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 17th March 2023.

Options:

None. Neighbourhood planning Regulations state that the Council must make the plans 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 Halesworth Neighbourhood Plan (Referendum version, February 2023) and the Oulton Neighbourhood Plan (Referendum Version, December 2022) part of the statutory Development Plan for East Suffolk for the whole of the Halesworth Neighbourhood Area and the part of the Oulton Neighbourhood Area within East Suffolk.

Corporate Impact Assessment

Governance:

Once made, the Neighbourhood Plans will form part of the development plan and will be a statutory consideration in determining planning applications in the East Suffolk parts of the Neighbourhood Areas.

ESC policies and strategies that directly apply to the proposal:

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

Environmental:

Individual policies in the Neighbourhood Plans contribute to achieving objectives in relation to the natural environment which will support the delivery of the Environment priorities in the Strategic Plan. For example, the Halesworth Neighbourhood Plan includes policies which protect local green spaces; support the provision of a new nature reserve; support the retention green verges and enhancement of their biodiversity; seek to preserve heritage trees; support low energy and energy efficient housing design; and preserve important views.

The Oulton Neighbourhood Plan contains policies which support new planting and landscaping as part of new developments; support sustainable design; safeguard green corridors; protect local green spaces; protect important views; and preserve a special character area.

Equalities and Diversity:

An Equality Impact Assessment (ref: EQIA484450294) has been carried out for the Halesworth Neighbourhood Plan. Minor positive impacts were identified with respect to the protected characteristics of age and deprivation/socio-economic disadvantage. No negative impacts on those with protected characteristics were identified and no mitigating actions were identified/required.

Equality Impact Assessment (ref: EQIA484477198) has been carried out for the Oulton Neighbourhood Plan. Minor positive impacts were identified with respect to the protected characteristics of age and disability. No negative impacts on those with protected characteristics were identified and no mitigating actions were 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/>). East Suffolk Council is entitled to Neighbourhood Planning Grant of £20,000 from the Government for each of the two Neighbourhood Plans.

Human Resources:

No impacts.

ICT: No impacts
Legal: A legal challenge can be made in relation to: a) The Council declining to make a Neighbourhood Plan which has been successful at referendum within eight weeks. (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. b) 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.
Risk: There are no anticipated risks in relation to the implementation of the recommendation.

External Consultees:	Both of the neighbourhood plans have been subject to extensive consultation throughout the course of their 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 processes can be found in the respective Consultation Statements in the 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 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"/>

How does this proposal support the priorities selected?

Both of the neighbourhood plans include the respective community's vision and set out how this will be delivered. This supports P09 'Community Pride' by promoting involvement, participation and positive action in the respective communities and delivering their collective vision and objectives.

P01 'Build the Right Environment for Suffolk' is directly supported by enabling an inclusive approach to shaping communities, set out in each neighbourhood plan. In turn, these will positively promote the delivery of the Council's strategies for growth and place making. The Halesworth Neighbourhood Plan includes a policy supporting provision of a proportion of larger homes to meet local needs; shape housing developments of 10 dwellings or less; and support low energy and energy efficient housing design. The Oulton Neighbourhood Plan includes policies to guide housing type and mix and Affordable Housing tenure to meet local requirements.

The Halesworth Neighbourhood Plan promotes tourism and creative industries; guides major development opportunities; seeks to enhance Halesworth town centre; and allocates areas of land for employment use and supports small-scale commercial workspace. These all contribute to meeting P01 and P03 in the 'Growing our Economy' section.

P05 'Support and Deliver Infrastructure' and P06 'Community Partnerships' are supported in the Halesworth Neighbourhood Plan by setting out an action for the or Community Infrastructure Levy funds to improve the quality of play areas in Halesworth.

The neighbourhood plans are both excellent examples of community-led planning which directly supports P07 'Taking Positive Action on What Matters Most'. Neighbourhood plans enable communities to plan and responding to meet their own needs. The housing policies mentioned in connection with P01 will provide housing in a manner directly shaped by the community.

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

The neighbourhood plans contain a range of policies which promote protection and enhancement of the environment in terms of local green spaces; green corridors; protecting heritage trees; and improving biodiversity amongst others. Making the neighbourhood plans will support priority P23 'Protection, Education and Influence' by

using the Council’s policy-making function to enable communities to achieve a cleaner and healthier 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 each plan is included below and full versions can be found in the Appendices.
1.2	<p>Halesworth Town Council and Oulton Parish Council have each taken up the opportunity to produce a neighbourhood plan for their community. The plans have been developed by the community with the Parish and Town Councils being the ‘Qualifying Body’. The plans have been through several stages of consultation, including statutory consultations, and an Examination carried out by an independent examiner. The Examiners recommended that each neighbourhood plan proceed to a Referendum.</p> <p>The Referendums took place on 2nd February 2023. The questions asked at the Referendums were: <i>“Do you want East Suffolk Council to use the Neighbourhood Plan for Halesworth to help it decide planning applications in the neighbourhood area?”</i>, and <i>“Do you want the Broads Authority and East Suffolk Council to use the Neighbourhood Plan for Oulton to help them decide planning applications in the neighbourhood area?”</i> The questions were slightly different due to part of the Oulton neighbourhood area falling within the Broads Authority area.</p> <p>For the Halesworth neighbourhood plan, 739 people voted ‘yes’ and 136 people voted ‘no’. The referendum outcome was therefore positive. The turnout was 21.7%.</p> <p>For the Oulton neighbourhood plan, 457 people voted ‘yes’ and 78 people voted ‘no’. The referendum outcome was therefore positive. The turnout was 13.7%.</p>
1.3	The neighbourhood plans will become formally part of the Development Plan for East Suffolk once they are made. East Suffolk Council is required to make the Neighbourhood Plans 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 Plans. The Broads Authority are also required to make the Oulton Neighbourhood Plan and they will take this decision at the Broads Authority meeting on 17 th March.

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% 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.</p>
1.5	<p>The neighbourhood area for the Halesworth Neighbourhood Plan covers the entire Parish of Halesworth. The plan addresses a wide range of topics which are important to the local community. Planning policies in the plan relate to:</p> <ul style="list-style-type: none"> • Protecting green spaces and open spaces • Protecting and enhancing biodiversity • Supporting homes to meet local needs • Commercial workspaces and employment areas • Supporting tourism and creative industries • Protecting important views and non-designated heritage assets • Delivering high quality design • Improving routes for pedestrians and cyclists • Supporting cycle parking proposals and electric car charging points • Enhancing the town centre
1.6	<p>The neighbourhood area for the Oulton Neighbourhood Plan covers the entire Parish of Oulton, part of which falls within the Broads Authority area. The plan addresses a wide range of locally important topics and contains planning policies relating to:</p> <ul style="list-style-type: none"> • Shaping homes to meet local needs • Delivering high quality design • Safeguarding local green spaces and green corridors • Protecting important views and a special character area • Providing sustainable transport • Protecting non-designated heritage assets
1.7	<p>Halesworth Town Council and Oulton Parish Council engaged with their local communities in producing their plans. This process is documented in their Consultation Statements (see Background Reference Papers). Following this, the neighbourhood plans were submitted to East Suffolk Council (and the Broads Authority in the case of the Oulton Neighbourhood Plan). East Suffolk Council then publicised the plans and invited comments. For the Halesworth Neighbourhood Plan this took place over the period of 22nd June to 3rd August 2022. For the Oulton Neighbourhood Plan this took place between 13th May and 24th June 2022. Following these periods of publicity, East Suffolk Council, with the agreement of the Parish/Town Council (and the Broads Authority for the Oulton Neighbourhood Plan), appointed an independent Examiner to examine the neighbourhood plans. The role of the Examiner is to ensure the Neighbourhood Plan meets the relevant</p>

	<p>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.</p> <p>Andrew Ashcroft BA (Hons) M.A. DMS M.R.T.P.I. was appointed to examine the Halesworth Neighbourhood Plan. He issued his Report in November 2022 (see Background Reference Papers) and concluded that subject to modifications the Halesworth Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.</p> <p>Christopher Lockhart-Mummery KC was appointed to examine the Oulton Neighbourhood Plan. He issued his report in September 2022 (see Background Reference Papers) and also concluded that subject to modifications the Oulton Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.</p> <p>In each case the examiner concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.</p>
1.8	<p>With agreement from the Parish and Town Councils, East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) (and the Broads Authority for the Oulton Neighbourhood Plan) considered and agreed each of the examiner’s recommended modifications. This is set out in the Decision Statements for each neighbourhood plan (see Background Reference Papers). These were both published in December 2022. The Referendums were then held on 2nd February 2023 and, as covered above, both Neighbourhood Plans were successful.</p>

2 Current position

2.1	<p>the Halesworth Neighbourhood Plan and the Oulton Neighbourhood Plan have both successfully passed their Referendums on 2nd February. 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.</p>
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3 How to address current situation

3.1	<p>The Council should make the Halesworth Neighbourhood Plan and the Oulton Neighbourhood Plan.</p>
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4 Reason/s for recommendation

4.1	<p>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 Plans.</p>
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Appendices

Appendices:	
Appendix A	Halesworth Neighbourhood Plan (Referendum Version February 2023)
Appendix B	Oulton Neighbourhood Plan (Referendum Version December 2022)

Background reference papers:		
Date	Type	Available From
February 2022	Halesworth Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Halesworth/Halesworth-Consultation-Statement-without-Appendices-Final.pdf
November 2022	Halesworth Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Halesworth/Halesworth-Neighbourhood-Development-Plan-examiners-report.pdf
December 2022	Halesworth Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Halesworth/East-Suffolk-Council-Decision-Statement.pdf
February 2022	Oulton Neighbourhood Plan Consultation Statement	https://eastsuffolk.inconsult.uk/gf2.ti/f/1403234/133468325.1/PDF/-/Consultation%20Statement.pdf
September 2022	Oulton Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Oulton/Examiners-Report.pdf
December 2022	Oulton Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Oulton/Oulton-Neighbourhood-Plan-Decision-Statement.pdf