



FULL COUNCIL

Wednesday, 26 July 2023

Subject	Saxmundham Neighbourhood Plan
Report of	Councillor Kay Yule 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:	Saxmundham

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to “make” the Saxmundham Neighbourhood Plan part of the Development Plan for East Suffolk following positive results of the Referendum on 29th June 2023. The Referendum question asked:

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

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 Saxmundham Neighbourhood Plan (Referendum version, June 2023) part of the statutory Development Plan for East Suffolk for the whole of the Saxmundham Neighbourhood Area.

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 Suffolk Coastal Local Plan. This is something the Neighbourhood Plan has been tested against at Examination.

Environmental:

Individual policies in the Neighbourhood Plan 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 Saxmundham Neighbourhood Plan includes policies which protect local green spaces and community garden and allotments; protect and enhance natural assets and biodiversity; and preserve important views and green gateways.

Equalities and Diversity:

An Equality Impact Assessment (ref: EQIA529757037) has been carried out for the Saxmundham Neighbourhood Plan. A positive impact was identified with respect to deprivation/Socio-economic disadvantage. 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 the Neighbourhood Plan.

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 process 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:

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 processes can be found in the respective Consultation Statements in the Background Reference Papers.

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 checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input checked="" 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?			
The Saxmundham 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 a collective vision and objectives.

P01 'Build the Right Environment for Suffolk' is directly supported by enabling an inclusive approach to shaping communities. In turn, this will positively promote the delivery of the Council's strategies for growth and place making. The Neighbourhood Plan identifies 'opportunity zones' with the Neighbourhood Plan area, three within Saxmundham Town Centre and one at the Former Fromus Centre and Community Garden. These policies identify objectives for these areas and highlight opportunities for enhancement. The town centre zones are supported by a concept Masterplan for the High Street (February 2023) This approach contributes to PO1 'Build the right environment for East Suffolk' by providing a strategy for place making and town centre enhancement.

The Neighbourhood Plan also includes a policy setting out a number of design principles to guide development in the neighbourhood area, which is supported by the Saxmundham Design Guidelines and Codes for the Neighbourhood Plan Area (July 2021) document. The Neighbourhood Plan includes a policy supporting housing development within the settlement boundary and sets out with criteria for the consideration of windfall, infill, and 'back land' development. The Neighbourhood Plan also contains policies which support the expansion or intensification of existing businesses and the establishment and growth of new businesses within the neighbourhood area (including retail and hospitality, service industries, energy sector, creative and cultural industries, digital industries and health, social care and community support services). 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 Saxmundham Neighbourhood Plan which sets out priorities for new community facilities which could be delivered through Community Infrastructure Levy funds. The Plan further supports P05 by setting out criteria for the provision of new pedestrian and cycle routes.

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 responding to meet their own needs.

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 Plan contain a range of policies which promote the protection and enhancement of the environment in terms of local green spaces; green gateways and improving biodiversity amongst others. Making the Neighbourhood Plan 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	<p>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 Saxmundham Neighbourhood Plan is included below and a full version can be found in the Appendix A.</p>
1.2	<p>Saxmundham Town Council have taken up the opportunity to produce a Neighbourhood Plan for their community. The plan has been developed by the community with the Town 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.</p> <p>The Referendums took place on 29th June 2023. The questions asked at the Referendum was: "Do you want East Suffolk Council to use the Neighbourhood Plan for Saxmundham to help it decide planning applications in the neighbourhood area?"</p> <p>522 people voted 'yes' and 79 people voted 'no'. The referendum outcome was therefore positive. The turnout was 17.4%.</p>
1.3	<p>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 of Rights. No such breaches or incompatibilities have been identified for the Saxmundham 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% 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 Saxmundham Neighbourhood Plan covers the Parish of Saxmundham as it was prior to the Community Governance Review changes that came into effect on April 1st 2023. The Neighbourhood 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"> • Design principles • Expansion of existing businesses • New businesses • New community facilities • Improving connectivity • Public rights of way • Parking provision • Windfall and infill development • Tenure blind housing development • Historic town centre and Conservation Area • Non-designated Heritage Assets • Gateways, views and landscape setting of Saxmundham • Protection and enhancement of natural assets • Community gardens and allotments • Protection of existing Local Green Spaces • Opportunity Zones
1.6	<p>Saxmundham Town Council engaged with their local communities in producing their plan. This process is documented in the Consultation Statement (see Background Reference Papers). Following this, the Neighbourhood Plan was submitted to East Suffolk Council. East Suffolk Council then publicised the plan and invited comments. This took place between 8th July 2022 and 2nd September 2022. Following this period of publicity, East Suffolk Council, with the agreement of the Town 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.</p> <p>John Slater BA (Hons), DMS, MRTPI, FRGS was appointed to examine the Saxmundham Neighbourhood Plan. He issued his Report in March 2023 (see Background Reference Papers) and concluded that subject to modifications the Saxmundham Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum. The Examiner also concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.</p>
1.7	<p>East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) considered each of the examiner’s recommended modifications, in consultation with the Town Council. The Council agreed with all of the Examiner’s recommended modifications.</p> <p>These considerations are set out in the Decision Statement for the Neighbourhood Plan (see Background Reference Papers). The Decision Statement was published in</p>

	May 2023. The Referendum was then held on 29 th June 2023 and, as set out above, the Neighbourhood Plan was successful.
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2 Current position

2.1	The Saxmundham Neighbourhood Plan successfully passed Referendum which took place on 29 th June. 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 Saxmundham Neighbourhood Plan.
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4 Reason/s for recommendation

4.1	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.
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Appendices

Appendices:

Appendix A	Saxmundham Neighbourhood Plan (Referendum Version June 2023)
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Background reference papers:

Date	Type	Available From
April 2022 (updated May 2022)	Saxmundham Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Saxmundham/Submission-consultation/Saxmundham-Neighbourhood-Plan-Consultation-Statement.pdf
March 2023	Saxmundham Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Saxmundham/Saxmundham-Examiners-Report.pdf
May 2023	Saxmundham Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Saxmundham/Referendum/decision-statement.pdf