



Committee	Full Council
Date	24/07/2024
Subject	Playford Neighbourhood Plan
Cabinet Member	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
Report Author(s)	Ian Johns Planner (Policy and Delivery) ian.johns@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 Playford Neighbourhood Plan part of the development plan for East Suffolk following positive results of the Referendum on 13th June. The referendum question asked:

'Do you want East Suffolk Council to use the Neighbourhood Plan for Playford to help it decide planning applications in the neighbourhood plan 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 alongside the adopted East Suffolk Council Suffolk Coastal Local Plan. The Development Plan is used to determine planning applications.

Recommendation(s)

That the Council:

- Make the Playford Neighbourhood Plan (Referendum Version, June 2024) part of the statutory development plan for East Suffolk for the whole of the Playford Neighbourhood area.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact	The Playford Neighbourhood Plan contains policies that seek to protect the environment. Policy PFD2 (Area of Greater Landscape Value and Sensitivity) seeks to protect landscapes. Policy PFD4 (Protection of Trees, Hedgerows and other Natural Features) seeks to protect trees and hedgerows and other natural features that act as wildlife habitats. Policy PFD6 (Design Considerations) requires development to be of a high standard and to protect the local environment and landscape. Policy PFD7 (Artificial Lighting) contains design guidance to ensure lighting does not impact upon the surrounding area. This helps to ensure that new housing is sustainable, of a high quality and contributes to the built environment of the parish.
Sustainable Housing	Playford Neighbourhood Plan policy PFD1 (Playford's Clusters) contains guidance about the location of new housing development. This will permit the development of new housing in a way that does not impact upon the environment or wider landscape. It also helps to prevent the development of houses in isolated locations. Policy PFD6 (Design Considerations) requires development to be located away from areas that are at risk from flooding, which is an important consideration when creating sustainable housing.

Tackling Inequalities	Playford Neighbourhood Plan policy PFD8 (Parish Services and Facilities) seeks to protect and enhance existing community facilities. These the village hall, play park and allotments, which provide valuable facilities for local families, as well as acting as important locations for communal activities. These are important to people on lower incomes who might not be able to access services and facilities elsewhere.
Thriving Economy	The Playford Neighbourhood Plan has no policies relating to economic growth.
Our Foundations / governance of the organisation	The Playford 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 Playford 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 Playford Neighbourhood Plan has been carried out by Playford 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 18th March and 5th May 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 (background reference document) was carried out on the Draft Neighbourhood Plan to determine whether a full Strategic Environmental Assessment would be required. The screening exercise concluded that a full Strategic Environmental Assessment was not required.
- 1.7. Under the Conservation of Habitats and Species Regulations 2017, Habitats Regulations Assessment (background reference document) screening was also undertaken which identified the draft Neighbourhood Plan did not identified any Likely Significant Effects on Protected Habitat Sites. Therefore, a full Habitats Regulations Assessment was not required.

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. Playford Parish Council has taken up the opportunity to produce a Neighbourhood Plan for its community. The Neighbourhood Plan has been developed by the community with the Parish Council being the 'Qualifying Body'. The Neighbourhood 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 13th June 2024. The question asked at the Referendum was: "Do you want East Suffolk Council to use the Neighbourhood Plan for Playford to help it decide planning applications in the Neighbourhood Area?"
- 2.4. 57 people voted 'yes' and 15 people voted 'no'. The Referendum outcome was therefore positive. The turnout was 40%.
- 2.5. The Neighbourhood Plan will formally become 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 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 28th June 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:
 - Development clusters in rural areas
 - Landscape protection
 - Protection of important views
 - Protection of natural features
 - Protection of the historic environment
 - Design
 - Artificial lighting
 - Services and facilities
 - Public rights of way

- 2.9. Playford Parish Council engaged with its local community in producing its Neighbourhood Plan. This process is documented in their Consultation Statement (see Background Reference Papers). This included a formal consultation, which ran between 18th March and 5th May 2023. Following this, the Neighbourhood Plan was submitted to East Suffolk Council. East Suffolk Council then publicised the Neighbourhood Plan and invited comments. This consultation commenced on 10th November 2023 and was due to conclude on 22nd December 2023. However, due to the introduction of a revised National Planning Policy Framework the consultation was extended until 19th January 2024. The Parish Council also produced an addendum to the consultation statement, which included comments from Suffolk County Council not included in the original consultation statement. 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. Andrew Ashcroft BA (Hons) M.A. DMS MRTPI was appointed to examine the Playford Neighbourhood Plan. He issued his Report in March 2024 (see Background Reference Papers) and concluded that subject to modifications the Playford 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 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.
- 2.13. These considerations are set out in the Decision Statement for the Neighbourhood Plan (see Background Reference Papers). The Decision Statement for the Playford Neighbourhood Plan was published in April 2024. The Referendum was then held on 13th June 2024 and, as covered above, the Neighbourhood Plan was successful.
- 2.14. The Playford Neighbourhood Plan has successfully passed its Referendum which took place on 13th 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. There are no indications of breaches or compatibility issues therefore the Council must make the Neighbourhood Plan.

3. Proposal

- 3.1. The Playford Neighbourhood Plan contains policies that help to determine planning applications within the designated neighbourhood plan area. The Playford Neighbourhood Plan has been prepared following a process of public consultation and examination by an examiner. The Playford Neighbourhood Plan has been prepared in accordance with EU Legislation, including the Convention of 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 production of the Playford Neighbourhood Plan was undertaken by Playford 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 Playford 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 in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. It has also been subject to a Habitats Regulation Assessment Screening Statement, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 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 equalities impacts. The assessment reference is EQIA622058642.
- 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 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.
- 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 risks envisaged in relation to the implementation of the recommendations.

7. Options

- 7.1. Make the Playford Neighbourhood Plan meaning the East Suffolk Development Plan includes policies produced by Playford Parish Council that are specific to Playford

Neighbourhood Area. It would also ensure that East Suffolk Council meets the requirements of legislation, which requires a local authority adopt a neighbourhood plan within eight weeks following the day after it is approved at a 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

That Full Council:

Makes the Playford Neighbourhood Plan (Referendum Version, June 2024) part of the statutory development plan for East Suffolk for the whole of the Playford 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 Playford 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 EQIA622058642.

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:

Playford Parish Council has engaged with the local community as a whole in producing the neighbourhood plan. Furthermore, the Playford Neighbourhood Plan has been subject to two formal rounds of consultation. The first of these formal consultations was carried out between the 18th March and 5th May 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 Playford Neighbourhood Plan is contained in the Consultation Statement (background reference paper).

Appendices:

Appendix A	Playford Neighbourhood Plan
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Background reference papers:

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

2024	Playford Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Playford/Referendum/Playford-Decision-Statement.pdf
2023	Strategic Environmental Assessment Screening Opinion	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Playford/Submission/FINAL-Playford-SEA-Screening-August-2023.pdf
2023	Habitats Regulations Assessment Screening Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Playford/Submission/FINAL-Playford-HRA-Screening-August-2023.pdf