



FULL COUNCIL

Wednesday, 23 February 2022

Subject	Southwold Neighbourhood Plan
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	Dickon Povey Principal Planner (Policy and Delivery) dickon.povey@eastsoffolk.gov.uk (01502) 523043 Ruth Bishop Senior Planner (Policy and Delivery) Ruth.bishop@eastsoffolk.gov.uk (01502) 523028

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:	Southwold

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to “make” the Southwold Neighbourhood Plan (Referendum Version) (“the Neighbourhood Plan”) part of the Development Plan for East Suffolk after a positive outcome at the Referendum held on 3rd February 2022.

The Referendum question asks: “Do you want East Suffolk Council to use the Southwold 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 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.

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 Southwold Neighbourhood Plan (Referendum version) part of the statutory Development Plan for the part of the Southwold 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:

Individual policies in the Neighbourhood Plan contribute to achieving objectives in relation to the environment which will support the delivery of the Environment priorities in the Strategic Plan. For example the Neighbourhood Plan contains a policy requiring

new development to incorporate features which support improvement in biodiversity. It also gives protection to 10 areas identified as 'Local Green Spaces'. The plan also supports wildlife-friendly planting in developments in rear gardens and courtyards.

Equalities and Diversity:

Equality Impact Assessment ref: EQIA398786054 has been carried out. A 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.

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.

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"/>
<p>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.</p> <p>P01 'Build the Right Environment for Suffolk' is directly supported by supporting provision of homes and economic growth in Southwold. The neighbourhood plan responds to a number of local issues and provides some thoughtful and locally distinctive planning policies. Redevelopment of sites in the town to provide homes, employment space and community space is supported. There are some innovative policies to support the redevelopment of Assets of Community Value; community land or buildings; and employment areas to deliver Affordable Housing (where specific criteria have been met).</p>			

The plan also supports start-up and grow-on business space, and small shop units in the town centre are given protection to meet the needs of independent businesses. The neighbourhood plan requires all new homes to be subject to a ‘principal residence’ restriction meaning that they cannot be used as second homes or holiday lets.

P03 ‘Maximise and grow the unique selling points of East Suffolk’ is delivered via the neighbourhood plan’s support for local businesses, including holiday lets, in a way which also preserves Southwold’s distinctive character.

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 meet their own needs.

The Neighbourhood Plan supports delivery of Affordable Housing and community space 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 providing features to improve biodiversity in new development (as appropriate to their scale, nature and location); protecting local green spaces; and using planting which promotes wildlife habitat in garden and courtyard development. This supports priority P23 ‘Protection, Education and Influence’ by using the Council’s policy-making function to protect spaces which are important to the community and contribute to an improved 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	Southwold Town Council has taken up the opportunity to produce a Neighbourhood Plan for their community. The plans have 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 proceeded to a Referendum. The Referendum took place on 3 rd February 2022. The question asked at the Referendum is: <i>Do you want East Suffolk Council to use the Neighbourhood Plan for Southwold to help it decide planning applications in the neighbourhood area?</i>

	<p>274 people voted 'yes' and 39 people voted 'no'. The referendum outcome was therefore positive. Turnout was 37.8%.</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 parish of Southwold. A link to the 'Neighbourhood Area Decision Notice' is provided in the Background Reference Papers. The Neighbourhood Plan includes a policy which applies a 'Principal Residence Requirement' to new homes, preventing them from being used as second homes or holiday lets. There are also some innovative policies which allow Affordable Housing to be delivered on sites of Assets of Community Value; community uses; and employment land, where specific criteria are met. The neighbourhood plan also contains policies relating to: design; parking; protection of small shop units; supporting micro businesses; protecting existing employment areas; improvements for biodiversity; development in gardens and courtyards; protecting local green spaces; minimising impacts of flooding; protection of community facilities; and guiding redevelopment, with particular reference to the former Police and Fire Station sites, and Station Rd courtyard.</p>
1.6	<p>Southwold Town Council 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 28th May to 9th July 2021.</p>
1.7	<p>Following this period of publicity, East Suffolk Council, with the agreement of Southwold Town Council, appointed independent Andrew Ashcroft BA (Hons) M.A DMS MRTPI to examine the Southwold 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</p>

	<p>issued his Report in October 2021 (see Background Reference Papers) and it concluded that subject to modifications the Southwold 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 Town Council, East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) considered each of the recommended modifications which were all then agreed. The Decision Statement for the Southwold Neighbourhood Plan was published in November 2021 (see Background Reference Papers). The Referendum was then arranged for 3rd February 2022.</p>
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2 Current position

2.1	The Southwold Neighbourhood Plan successfully passed the Referendum on 3 rd 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.
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3 How to address current situation

3.1	The Council should make the Southwold 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	Southwold Neighbourhood Plan (Referendum Version)
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Background reference papers:

Date	Type	Available From
May 2014	Southwold Neighbourhood Area Decision	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Southwold/Southwold-Neighbourhood-Area-Decision.pdf
March 2021	Southwold Neighbourhood Plan Consultation Statement	https://eastsuffolk.inconsult.uk/gf2.ti/f/1289666/102401093.1/PDF/-/Southwold_NP_Consultation_Statement.pdf

October 2021	Southwold Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Southwold/Southwold-Neighbourhood-Development-Plan-Examiners-Report.pdf
November 2021	Southwold Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Southwold/Southwold-Neighbourhood-Plan-referendum-Decision-Statement.pdf