



FULL COUNCIL

Wednesday, 23 November 2022

Subject	Bungay and Worlingham 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:	Bungay & Wainford Beccles & Worlingham

Purpose and high-level overview

Purpose of Report:

The purpose of this Report is to “make” the Bungay Neighbourhood Plan and the Worlingham Neighbourhood Plan part of the Development Plan for East Suffolk following positive results of the Referendums on 17th November 2022. Part of both of the Bungay and Worlingham neighbourhood areas fall within the Broads Authority area. The Referendum questions ask:

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

On the basis that more than 50% of those voting in each Referendum vote “YES” to the question, the Council must “make” the relevant 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 the part of the Neighbourhood Area within 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 Plans and they will then become part of the Development Plan for the part of the Neighbourhood Area within the Broads Authority.

Options:

1. The Council ‘makes’ the Bungay and Worlingham Neighbourhood Plans part of the Statutory Development Plan for the part of the Neighbourhood Plan Area within East Suffolk following a positive Referendum outcome.
2. Should the extremely rare outcome of either of the Neighbourhood Plans failing at Referendum occur then the Council should not ‘make’ that Neighbourhood Plan.

Recommendation:

That the Council make the Bungay Neighbourhood Plan (Referendum version, September 2022) and the Worlingham Neighbourhood Plan (Referendum Version, July 2022) part of the statutory Development Plan for the parts of the Bungay and Worlingham Neighbourhood Areas within East Suffolk following positive Referendum results.

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 Bungay Neighbourhood Plan includes policies which:

- support creation of a green corridor in the town;
- safeguard landscape character, biodiversity and geodiversity; and
- support Biodiversity Net Gain and protect wildlife habitats.

The Bungay Neighbourhood Plan also contains 'Community Actions' to create allotments; improve public access to the countryside; and improve provision of playgrounds, parks and gardens.

The Worlingham Neighbourhood Plan includes policies which:

- require landscaping on the Beccles and Worlingham Garden Neighbourhood (a major mixed-use allocation in the Waveney Local Plan, part of which lies in Worlingham) to be diverse, resilient to risks of disease, and benefit native pollinator species;
- support Biodiversity Net Gain and wildlife corridors;
- protect Local Green Spaces; and
- provide wildlife and biodiversity enhancements through Sustainable Drainage Systems;

Equalities and Diversity:

An Equality Impact Assessment (EQIA463843120) has been carried out for the Bungay 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.

An Equality Impact Assessment (ref: EQIA463702159) has also been carried out for the Worlingham Neighbourhood Plan. Minor positive impacts were identified with respect to the protected characteristics of age; disability; and 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 will claim 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 brought within six weeks of the day the decision is published. b) The conduct of the referendum. Proceedings must be brought 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 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?

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 Bungay Neighbourhood Plan allocates land for approximately 70 homes in addition to shaping the housing mix and Affordable Housing provision on new developments. The Worlingham Neighbourhood Plan includes a policy to shape the housing mix on new developments and secure dwellings that are accessible and adaptable on the Beccles and Worlingham Garden Neighbourhood. These policies enhance the supply of housing, enabling growth.

The Bungay Neighbourhood Plan includes policies to support tourism and maintain the vitality of the town centre, whilst trying to mitigate the impact of heavy goods vehicles in the town. These policies will help to support priority P03 'Maximise and Grow the Unique Selling Points of East Suffolk'.

Both neighbourhood plans set out priorities on which to spend Community Infrastructure Levy (CIL) funds. The Bungay Neighbourhood Plan also includes policies to support delivery of a Community Hub; expansion of Bungay Medical Centre; sports facilities; and a pre-school education facility. The Worlingham Neighbourhood Plan has policies to support provision of sports facilities which respond to the community's needs and aspirations and guide the design and management of a new country park. These aspects of the plans support priority P05 'Support and Deliver Infrastructure' and P06 'Community Partnerships'.

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; 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>Bungay Town Council and Worlingham 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 17th November 2022. The question asked at the Referendums was: <i>Do you want the Broads Authority and East Suffolk Council to use the Neighbourhood Plan for Bungay/Worlingham to help them decide planning applications in the neighbourhood area?</i></p> <p>For a positive Referendum outcome more people must vote 'Yes' than 'No'. This Report was written shortly before the Referendums taking place. It is extremely rare for a Neighbourhood Plan to fail at Referendum. The Bungay and Worlingham Neighbourhood Plans have not been controversial and there is no reason to suggest that they will not have a positive outcome at the Referendums. Therefore this Report has been written on the basis that the plans will be made following successful Referendums.</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

	<p>identified for the Neighbourhood Plans. The Broads Authority are also required to make the Neighbourhood Plans and they will take this decision separately to East Suffolk Council.</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 Bungay Neighbourhood Plan covers the entire Parish of Bungay, part of which falls within the Broads Authority area. The plan addresses a wide range of topics which are important to the local community. The neighbourhood plan has a positive strategy for housing in Bungay and allocates land for the development of approximately 70 homes plus open space, landscaping and biodiversity enhancement. Other planning policies in the plan relate to:</p> <ul style="list-style-type: none"> • design principles for new residential development; • Housing mix and Affordable Housing; • A new community hub and an expanded medical centre; • New sports and education facilities; • Heritage in Bungay; • Supporting vitality in the town centre; • New tourism accommodation; • Creation of a new green corridor; • Safeguarding landscape and ecological character; • Supporting Biodiversity; • Providing Sustainable Drainage Systems; and • Car parking and transport <p>The full policies can be found in the Bungay Neighbourhood Plan in Appendix A.</p>
1.6	<p>The neighbourhood area for the Worlingham Neighbourhood Plan covers the entire Parish of Worlingham, part of which falls within the Broads Authority area. The plan addresses a wide range of locally important topics and has a focus on how development on the Beccles and Worlingham Garden Neighbourhood (the major mixed-use development allocated in the Waveney Local Plan, part of which lies in Worlingham) will take shape. The neighbourhood plan contains planning policies relating to:</p> <ul style="list-style-type: none"> • Respecting the identity of Worlingham, particularly in development on the Beccles and Worlingham Garden Neighbourhood; • Housing mix; • Housing design and character, including heights of dwellings and security;

	<ul style="list-style-type: none"> • Providing accessible and adaptable dwellings in the Parish; • Provision of new sports facilities on the Beccles and Worlingham Garden Neighbourhood; • Car parking; • Protection and enhancement of pedestrian and cycle routes; • Design of landscaping schemes on new development; • Securing community input into the design and management of the new country park on the Beccles and Worlingham Garden Neighbourhood; • Providing Biodiversity Net Gain and supporting wildlife corridors; • Protection for three Local Green Spaces; and • Drainage and Sustainable Drainage Systems <p>The full policies can be found in the Worlingham Neighbourhood Plan in Appendix B.</p>
1.7	<p>Bungay Town Council and Worlingham Parish Council engaged with their local communities in producing their plans. This process is documented in their Consultation Statement (see Background Reference Papers). Following this, the neighbourhood plans were submitted to East Suffolk Council and the Broads Authority. East Suffolk Council then publicised the plans and invited comments. For the Bungay Neighbourhood Plan this took place over the period of 11th April to 6th June 2022. For the Worlingham Neighbourhood Plan this took place between 10th January and 21st February 2022. Following these periods of publicity, East Suffolk Council, with the agreement of the Parish/Town Council and the Broads Authority, appointed an independent Examiner to examine the neighbourhood plans. 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>Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was appointed to examine the Bungay Neighbourhood Plan. He issued his Report in August 2022 (see Background Reference Papers) and concluded that subject to modifications the Bungay Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.</p> <p>Christopher Lockhart-Mummery KC was appointed to examine the Worlingham Neighbourhood Plan. He issued his report in July 2022 (see Background Reference Papers) and also concluded that subject to modifications the Worlingham 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, the Broads Authority and East Suffolk Council (using powers delegated to the Head of Planning and Coastal Management) 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) which were both published on 27th</p>

	September 2022. The Referendums were then arranged for 17 th November. The outcome of the Referendums will be known by the time of the Full Council meeting and Members will be advised of the result at the meeting.
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2 Current position

2.1	At the time of writing this Report, the Bungay Neighbourhood Plan and the Worlingham Neighbourhood Plan had successfully completed examination and were fully expected to pass the Referendum on 17 th November. 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	On the basis of a positive outcome at the Referendum, the Council should make the Bungay Neighbourhood Plan and the Worlingham 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 Plans.
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Appendices

Appendices:

Appendix A	Bungay Neighbourhood Plan (Referendum Version, September 2022)
Appendix B	Worlingham Neighbourhood Plan (Referendum Version, July 2022)

Background reference papers:

Date	Type	Available From
March 2022	Bungay Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Bungay/Consultation-Statement.pdf
August 2022	Bungay Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Bungay/Report-of-Independent-Examination-of-the-Bungay-NDP-August-2022.pdf
September 2022	Bungay Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Bungay/Decision-Statement.pdf

December 2021	Worlingham Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Worlingham/Submission-Consultation/Consultation-Statement.pdf
July 2022	Worlingham Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Worlingham/Examination-documents/Worlingham-Neighbourhood-Plan-Examiners-Report-July-2022.pdf
September 2022	Worlingham Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Worlingham/Decision-Statement.pdf