

FULL COUNCIL Wednesday, 05 May 2021

Subject	Neighbourhood Plans - Bredfield, Kesgrave and Reydon	
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

Category of Exempt Information and reason why it is NOT in the public interest to	Not applicable
disclose the exempt	
information.	
Wards Affected:	Carlford & Fynn Valley
	Kesgrave
	Southwold
	Wrentham, Wangford and Westleton

Purpose and high-level overview

Purpose of Report:

The purpose of this report is to ask the Council to consider the three neighbourhood plans which are 1) Bredfield Neighbourhood Plan; 2) Kesgrave Neighbourhood Plan; and 3) Reydon Neighbourhood Plan attached to this report, and to agree that the Council is minded to approve them.

Also, to give delegated authority to the Head of Planning and Coastal Management, acting in consultation with the Portfolio Holder for Planning and Coastal Management, to make the plans, after the three neighbourhood plans referenda which are being held on 6th May 2021, assuming that there is a positive outcome for each, as a result of the referenda. This appears to be the most efficient way for the Council to ensure that the plans are made within the statutory deadline of eight weeks of the day following a successful referenda.

Options:

- 1. The Council needs to make the three neighbourhood plans in the eight weeks of the day following the referendum. By virtue of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the 2020 Regulations), elections last year were postponed to May 2021. Therefore, the referenda could not be held until 6 May 2021 at the earliest, to coincide with the local government and PCC elections being held on that day. The results of the referenda will be declared following the count of votes which will not be until 10 May 2021.
- 2. At the time of writing this report, the Council cannot hold its meetings remotely after 6 May 2021. This is due to the time limit of 6 May 2021 imposed by the 2020 Regulations. Whether or not remote meetings can be held after that is dependent on the outcome of a court case which was heard in the Administrative Courts on 21 April 2021, the judgment in this case not having been handed down, as yet. The future of face-to-face meetings is unknown, too, because organised permitted gatherings cannot be held until we reach Step 3 of the Roadmap, which will be on 17 May at the earliest.
- 3. Therefore, the Council's Annual Meeting has been brought forward from 26 May to 5 May, to allow it to be held remotely, in a COVID secure manner. The next scheduled meeting of the Council will not be held until 28 July 2021, and it is not known, at this time, if it can be held remotely or whether it will have to be held face-to-face with the necessary COVID risk assessments in place. This will be too late for the statutory time limit within which the plans must be made by the Council, following a successful referendum.
- 4. Nonetheless, the Council would like to deal with the plans in the most efficient way it can, particularly because they have been developed by their respective communities and Parish/Town Councils over a fairly lengthy time period. Much work has gone into them, and they have been through an independent examination process. If the referenda are held, and the outcome is positive, the Council cannot refuse to make the plans. Therefore, it is reasonable and efficient that they be considered by the

Council, now, and that the Council gives an indication of its intention to approve them, subject to a positive outcome of the referenda. They may be made thereafter, in accordance with the wishes of the Council and, assuming a positive vote, with the support of the electorate. This option is recommended as it will provide the greatest benefits for both the Council and the communities involved. If a positive outcome is not achieved at the referenda, the plans will not be made.

5. Alternatively, the Council may choose to wait to consider the three plans after the outcome of the referenda. However, if remote meetings cannot be held after 6 May 2021, and organised permitted gatherings until 17 May at the earliest, it is not clear at this point in time when the Council might be able to meet, face-to-face, and also, its next scheduled meeting is not until 28 July, which is outside of the statutory deadline. To consider the plans at a later date will be less efficient for the Council in terms of its decision-making and it will delay and technical/legal difficulties in the making of the three neighbourhood plans later on.

Recommendations:

- 1. That the Council considers the Bredfield Neighbourhood Plan, the Kesgrave Neighbourhood Plan, and the Reydon Neighbourhood Plan and agrees that it is minded to approve them, subject to a positive outcome at the referenda about each being held on 6 May 2021.
- 2. That subject to a positive outcome for each of the referenda being held on 6 May 2021, delegated authority be granted to the Head of Planning and Coastal Management, acting in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, to make the neighbourhood plans, as soon as reasonably practical after the declaration of the referenda results on 10 May 2021, and to evidence their delegated decision with the publication of an Officer Delegated Decision Notice.

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 respective neighbourhood area.

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 - Suffolk Coastal Local Plan and the East Suffolk Council - Waveney Local Plan. This is something the plans are tested against at Examination.

Environmental:

Individual policies in the neighbourhood plans contribute to achieving objectives in relation to the environment which will support the delivery of the Environment priorities in the Strategic Plan. As examples, The Bredfield Neighbourhood Plan contains policies to maintain the landscape; protect/enhance biodiversity habitats; and safeguard local green spaces. The Kesgrave Neighbourhood Plan contains polices to encourage growing spaces

in new residential developments; safeguard local green spaces; conserve/improve biodiversity; The Reydon Neighbourhood Plan contains policies to safeguard local green spaces; protect areas of the countryside; and improve biodiversity.

Equalities and Diversity:

Equality Impact Assessment ref: EQIA327984295 has been carried out. No impacts on those with protected characteristics have been identified and, therefore, no mitigating actions have been required/identified.

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 for each of these three Neighbourhood Plans. This is normally available to claim once a date has been set for the referendum but in light of Covid-19 impacts this was made available upon publication of the Decision Statement.

Human Resources:

No impacts.

ICT:

No impacts.

Legal:

See the comments in the Options section of the report, above.

Risk:

There are no risks anticipated in relation to the implementation of the recommendation.

External Consultees:

All three 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 process can be found in the respective Consultation Statements in the Background Reference Papers.

Strategic Plan Priorities

Select the priorities of the <u>Strategic Plan</u> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk		\boxtimes
P02	Attract and stimulate inward investment		
P03	Maximise and grow the unique selling points of East Suffolk		
P04	Business partnerships		
P05	Support and deliver infrastructure		
T02	Enabling our Communities		
P06	Community Partnerships		
P07	Taking positive action on what matters most		\boxtimes
P08	Maximising health, well-being and safety in our District		
P09	Community Pride	\boxtimes	
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services		
P11	Making best use of and investing in our assets		
P12	Being commercially astute		
P13	Optimising our financial investments and grant opportunities		\boxtimes
P14	Review service delivery with partners		
T04	Delivering Digital Transformation		
P15	Digital by default		
P16	Lean and efficient streamlined services		
P17	Effective use of data		
P18	Skills and training		
P19	District-wide digital infrastructure		
T05	Caring for our Environment		
P20	Lead by example		
P21	1 Minimise waste, reuse materials, increase recycling		
P22	Renewable energy $\hfill\Box$		
P23	Protection, education and influence		\boxtimes
XXX	Governance		
XXX	How ESC governs itself as an authority		

How does this proposal support the priorities selected?

Each of the neighbourhood plans includes the respective 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 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 Bredfield Neighbourhood Plan allocates land for housing development and the Reydon Neighbourhood Plan includes a specific policy facilitating the delivery of Affordable Housing

on the boundary of the settlement. These both enhance the supply of housing, enabling growth.

The neighbourhood plans are all 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. 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 views; local green spaces; and 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 Bredfield, Kesgrave and Reydon are Parishes and Towns which 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 or Town Council being the 'Qualifying Body'. Each plan has been through several stages of consultation, including statutory consultations, and an Examination carried out by an independent examiner. In each case the Examiner has recommended that the neighbourhood plan proceeds to referendum. The referendum for each plan will take place on the 6th May the earliest date possible after the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 delayed all elections and referenda until 6th May 2021 at the earliest.

The question asked at the referenda will be: Do you want East Suffolk Council to use the Neighbourhood Plan for Bredfield/Kesgrave/Reydon to help it decide planning applications in the neighbourhood area?

For a positive referendum outcome more people must vote 'Yes' than 'No'.

1.3 Across the country, it is evident that the vast majority of neighbourhood plans are successful at referendum. Neither of the three neighbourhood plans in question have been controversial and there is no reason to suggest any of these plans will not be successful at their respective referenda. Therefore, it is hoped that the plans will pass their referendum, but of course, this cannot be guaranteed or known definitely until 10 May 2021. Therefore, any plan that does not pass the referendum will not be made. However, in order to ensure that, if successful at their referenda, the plans can be made quickly thereafter, it is hoped that they can be considered and that the Council will be minded to approve them, now, and give delegated authority for them to be made by Officers, subject to a successful referenda. If successful, the plans will be made in exactly the same form as attached to this report, to reflect the wishes of the Council and the electorate.

The implications of the time limits for remote meetings, contained in the 2020 Regulations, is set out above. Therefore, it is considered reasonable, efficient and desirable to make a "minded to" decision to approve these plans, with delegated authority being given to complete the Council's intentions, and make the plans, subject to the successful referenda results.

- 1.4 The Government's Planning Practice Guidance (see Background Reference Papers) states that currently a draft neighbourhood plan will attract 'significant weight' in determining planning applications once the Decision Statement confirming the neighbourhood plan will proceed to referendum has been issued. As detailed in the paragraphs below, a Decision Statement has been issued for each of the plans, therefore, each plan currently carries *significant* weight. This will increase to *full* weight once a plan has passed the referendum. The neighbourhood plans will become formally part of the development plan once they are made. The 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. This is not considered to be the case with any of the neighbourhood plans.
- 1.5 Areas with a made neighbourhood plan benefit from a greater proportion of '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.
- 1.6 The Bredfield and Kesgrave Neighbourhood Plans have been prepared alongside the preparation of the new Suffolk Coastal Local Plan, which was adopted in September 2020. Although the two Neighbourhood Plans were Examined, and the Decision Statements issued, prior to the adoption of the new Suffolk Coastal Local Plan, the Examiners for both Neighbourhood Plans recognised in their reports that the Neighbourhood Plans have been prepared in acknowledgement of the (at the time, emerging) Suffolk Coastal Local Plan. The national Planning Practice

Guidance on Neighbourhood Plans explains that Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan. The Waveney Local Plan was adopted in March 2019 - the Reydon neighbourhood plan was examined in the context of the Waveney Local Plan only. 1.7 **Bredfield Neighbourhood Plan** The Bredfield Neighbourhood Plan covers the entire parish of Bredfield. A link to the Neighbourhood Area Decision Notice is provided in the Background Reference Papers. The plan includes policies relating to views; landscape; heritage assets; business uses and tourism; transport: and parking amongst others. The plan also includes three residential site allocations for a total of 30 new dwellings. 1.8 Bredfield Parish 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 10 July to 21 August 2019. 1.9 Following this period of publicity, East Suffolk Council, with the agreement of Bredfield Parish Council, appointed independent Examiner Richard High BA MA MRTPI to examine the Bredfield 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 a key element of this. In response to the queries raised by the Bredfield Neighbourhood Plan Examiner, Bredfield Parish Council produced additional documents, including an addendum to the Strategic Environmental Assessment. These documents were published for an additional period of consultation from 07 February to 20 March 2020. In response to additional queries raised by the Examiner, Bredfield Parish Council provided some further information in relation to Policy BDP 9 of the Neighbourhood Plan. The correspondence between the Examiner and Council (including the additional information) was published for a further period of consultation from 22 May to 12 June 2020. The Examiner issued his report in July 2020 and it concluded that subject to modifications the Bredfield Neighbourhood Plan meets the Basic Conditions and should proceed to referendum (see Background Reference Papers). 1.10 Using powers delegated to the Head of Planning and Coastal Management, and following discussion with the Parish Council, each of the recommended modifications were considered and agreed. The Decision Statement for the Bredfield Neighbourhood Plan was published in September 2020 (see Background Reference Papers). Due to referendums and elections being delayed (as covered in paragraphs above), the referendum will now take place on 6th May 2021. 1.11 **Kesgrave Neighbourhood Plan** The Kesgrave Neighbourhood Plan covers the entire Town Council area of Kesgrave. A link to the Neighbourhood Area Decision Notice is provided in the Background Reference Papers. The plan includes policies relating to infill and residential garden development; residential uses in Kesgrave District Centre;

1.12 Kesgrave 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 24 th January to 6 th March 2020.
1.13 Following this period of publicity, East Suffolk Council, with the agreement of Kesgrave Town Council, appointed independent Examiner John Slater BA (Hons) DMS MRTPI to examine the Kesgrave 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 a key element of this. The Examiner issued his report in June 2020 and it concluded that subject to modifications the Kesgrav Neighbourhood Plan meets the Basic Conditions and should proceed to referendum (see Background Reference Papers).
1.14 Using powers delegated to the Head of Planning and Coastal Management, and following discussion with the Town Council, all but one of the recommended modifications were considered and agreed. The Council took an alternative view to the Examiner in relation to Policy KE7 Non-Designated Heritage Assets, as documented in the Decision Statement (see Background Reference Papers). This was supported by legal advice. The Decision Statement for the Kesgrave Neighbourhood Plan was published in July 2020. Due to referendums and election being delayed (as covered in the paragraphs above), the referendum will now take place on 6th May 2021.
1.15 Reydon Neighbourhood Plan The Reydon Neighbourhood Plan covers the entire parish of Reydon, plus a small section of Wangford with Henham parish. A link to the Neighbourhood Area Decision Notice is provided in the Background Reference Papers. The plan include policies relating to Affordable Housing tenures; providing Affordable Housing on the boundary of the settlement; a principal residence restriction for new dwelling
safeguarding land next to the primary school; protecting the countryside and loca green spaces; improving public rights of way; provision of safe access and walking and cycling routes; and a design policy.
safeguarding land next to the primary school; protecting the countryside and loca green spaces; improving public rights of way; provision of safe access and walking

Following this period of publicity, East Suffolk Council, with the agreement of Reydon Parish Council, appointed independent Examiner Andrew Ashcroft MA DMS MRTPI to examine the Reydon 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 a key element of this. The Examiner issued his report in July 2020 and it concluded that subject to modifications the Reydon Neighbourhood Plan meets the Basic Conditions and should proceed to referendum (see Background Reference Papers).

1.18 Using powers delegated to the Head of Planning and Coastal Management, and following discussion with the Parish Council, each of the recommended modifications were considered and agreed. The Decision Statement for the Reydon Neighbourhood Plan was published in August 2020 (see Background Reference Papers). Due to referendums and elections being delayed (as covered in the paragraphs above), the referendum will now take place on 6th May 2021.

2 Current position

- 2.1 Each of the neighbourhood plans has successfully completed examination and the referenda will be held on 6th May. The Council must make a neighbourhood plan within 8 weeks of the day after the referendum.
- The Council can currently hold virtual meetings, but this power will cease on the 6 th May 2021.

3 How to address current situation

3.1 If the three neighbourhood plans are successful at the referenda to be held on 6 May, the Council needs to be able to make them as soon as is reasonably practicable after that, and no later than eight weeks following the day of a successful referendum, the outcome of which will be known on 10 May 2021.

4 Reason/s for recommendation

- 4.1 Considering the plans and being minded to approve them, subject to a successful referendum, and giving delegated authority, thereafter, to make them, allows the Council to make the plans in the most efficient, timely way.
- 4.2 Granting consent/authorisation to make the neighbourhood plans as recommended in section 3 will allow the plans to be applied in full at the soonest possible opportunity for the benefit of the community.

Appendices

Appendices:	
Appendix A Bredfield Neighbourhood Plan (Referendum Edition)	
Appendix B Kesgrave Neighbourhood Plan (Referendum Version)	
Appendix C	Reydon Neighbourhood Plan (Referendum Draft)

Background reference papers:		
Date	Туре	Available From
March 2021	Government guidance: COVID-19: Guidance for the safe use of council buildings	https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings
September 202	National Planning Practice Guidance - What changes have been introduced to neighbourhood planning in response to the coronavirus (COVID -19) pandemic?	https://www.gov.uk/guidance/neighbourhood-planning2#covid-19
August 2015	Bredfield Neighbourhood Area Decision	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood-Areas/Bredfield/Decision- notice.pdf
July 2019	Bredfield Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood- Areas/Bredfield/Consultation/04-Bredfield- Consultation-Document.pdf
September 2020	Bredfield Neighbourhood Plan Decision Statement	https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Bredfield/Bredfield-Decision-Statement-final-signed-version.pdf
July 2020	Bredfield Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood-Areas/Bredfield/Examiners- report/Bredfield-Neighbourhood-Plan- Examination-final-report.pdf
September 2016	Kesgrave Neighbourhood Area Decision	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood-Areas/Kesgrave/Kesgrave- neighbourhood-area-decision.pdf
November 2019	Kesgrave Neighbourhood Plan Consultation Statement	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood-Areas/Kesgrave/Consultation- statement.pdf
July 2020	Kesgrave Neighbourhood Plan Examiner's Report	https://www.eastsuffolk.gov.uk/assets/Planning /Neighbourhood-Planning/Designated- Neighbourhood-Areas/Kesgrave/00-Kesgrave- Neighbourhood-Plan-examiners-report-June- 2020.pdf

July 2020	Kesgrave	https://www.eastsuffolk.gov.uk/assets/Planning
	Neighbourhood Plan	/Neighbourhood-Planning/Designated-
	Decision Statement	Neighbourhood-Areas/Kesgrave/Kesgrave-
		Neighbourhood-Plan-Decision-Statement-
		27.07.2020.pdf
December	Reydon	https://www.eastsuffolk.gov.uk/assets/Planning
2018	Neighbourhood Area	/Neighbourhood-Planning/Designated-
	Decision	Neighbourhood-Areas/Reydon/03-Reydon-Area-
		<u>Determination-and-Decision.pdf</u>
February	Reydon	https://www.eastsuffolk.gov.uk/assets/Planning
2020	Neighbourhood Plan	/Neighbourhood-Planning/Designated-
	Consultation	Neighbourhood-Areas/Reydon/Reydon-
	Statement	Neighbourhood-Plan-consultation-statement.pdf
July 2020	Reydon	https://www.eastsuffolk.gov.uk/assets/Planning
	Neighbourhood Plan	/Neighbourhood-Planning/Designated-
	Examiner's Report	Neighbourhood-
		Areas/Reydon/Referendum/Reydon-NP-
		Examiners-Report.pdf
August	Reydon	https://www.eastsuffolk.gov.uk/assets/Planning
2020	Neighbourhood Plan	/Neighbourhood-Planning/Designated-
	Decision Statement	Neighbourhood-Areas/Reydon/Reydon-NP-
		Decision-Statement.pdf