



COUNCIL

Tuesday 17 July 2018

MARTLESHAM NEIGHBOURHOOD PLAN (CL 15/18)

EXECUTIVE SUMMARY

1. The purpose of this report is to “Make” the Martlesham Neighbourhood Plan part of the Development Plan for the area in light of the referendum result held on 24TH May 2018 and legal considerations.
2. The referendum question asked “Do you want Suffolk Coastal District Council to use the Martlesham 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. Accordingly, the Council must now “Make” the Neighbourhood Plan within 8 weeks starting the day following the referendum, unless it considers the Plan would breach or be incompatible with any EU obligation or any of the Convention Rights.
3. Once “Made” the Martlesham Neighbourhood Plan will become part of the Development Plan for the area and sit alongside the adopted Core Strategy and Development Management Policies Document, the Site Allocations and Area Specific Policies Document, the Felixstowe Peninsula Area Action Plan, Framlingham, Great Bealings, Leiston, Melton and Rendlesham Neighbourhood Plans. For decision making purposes, the Neighbourhood Plan has had full effect since the positive referendum result, meaning that it can be afforded full weight in the determination of relevant planning applications.

Is the report Open or Exempt?	Open
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Wards Affected:	Martlesham; (Kesgrave East; Woodbridge)
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Cabinet Member:	Councillor Tony Fryatt – Cabinet Member for Planning
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Supporting Officer:	Hilary Hanslip Principal Planning Officer (Policy and Delivery) 01394 444761 Hilary.hanslip@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 The Martlesham Neighbourhood Plan has perhaps been the most complex to produce within the Suffolk Coastal district to date. This is essentially a result of its geography, the number of communities it contains, and the development pressures to which the parish and its immediate surroundings have been, or continue to be subject. It is a testament to the tenacity and positive approach of the Parish Council and the Neighbourhood Plan Working Group that the Plan has now received a positive vote at referendum and comes before the Council with a recommendation that it is “Made”. The Plan has been produced with the help of a planning consultant.
- 1.2 The Neighbourhood Plan in large part takes forward and updates policies from the 2001 Suffolk Coastal Local Plan. It does not allocate land for housing as this is catered for within what is now known as the Brightwell Lakes (previously known as Adastral Park – housing). It does update the built up area boundary and with it opportunities for infill and windfall provision. Alongside the production of the Neighbourhood Plan, the Parish Council has been involved in discussions with the District Council, developers and others on the Adastral Park planning application. A key issue for the Neighbourhood Plan has been to look at how the existing and future communities can evolve together, particularly in relation to physical access between the communities and access to any new and improved services and facilities that will be required. This has also involved a re-look at those open areas and spaces important to retaining the separate identity of individual communities as well as those which contribute to the character of the settlement. The Neighbourhood Plan recognises the importance of the Martlesham business and retail area and the fact that it has now become a destination in its own right. The Neighbourhood Plan looks to encourage opportunities to improve accessibility for different transport choices (including walking and mobility scooters) in relation to the broad range of businesses and other uses in the area. The policy approach set out in the Neighbourhood Plan has provided part of the background evidence work which is being used to inform the Council’s own Local Plan Review. A copy of the Neighbourhood Plan (referendum version) is included as Appendix A to this report.
- 1.3 The Neighbourhood Plan area originally applied for in December 2014 included the whole of Martlesham parish. Following discussion and consultation, this area was rejected. A smaller area was approved which excludes the strategic employment site at Adastral Park and the residential properties in the north of the parish which relate more closely to the wider Woodbridge town area. The revised neighbourhood area was designated by Suffolk Coastal District Council on 5th May 2015. A link to the full determination and decision is provided in the background papers. Woodbridge Town Council subsequently determined not to progress their neighbourhood plan.
- 1.4 Following consultation and research, Martlesham Parish Council submitted its neighbourhood plan and supporting documentation to Suffolk Coastal District Council in June 2017. Following a further six week consultation period the plan was subject to independent examination.
- 1.5 The draft Plan had previously been screened to determine whether or not additional environmental assessment work would be required. This included consultation with Environment Agency, Historic England and Natural England. The screening determination concluded that “The policies and proposals in the plan are designed to help implement strategic policies in the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies (adopted July 2013) which has been subject to Environmental Assessment and Appropriate Assessment under the Habitats Regulations

Assessment. The policies and proposals do not allocate new land for built development but update policies from an earlier local plan. The plan does not allocate land for housing which at the strategic level was determined to be likely to have the most significant environmental effect. It is considered by Suffolk Coastal District Council in consultation with the Environment Agency, Historic England and Natural England that the content of the plan is such that it will not be necessary to undertake SEA or HRA in order to ensure compliance with EU obligations.”

- 1.6 A link to the Screening Determination is provided under the list of Background Papers.
- 1.7 Following independent examination, which included responding to a number of matters raised by the examiner, the Examiners Report was received by the Council and shared with the Parish Council in March 2018. The Examiners Report concluded that subject to modifications the Neighbourhood Plan meets the Basic Conditions and that it should proceed to referendum. The examiner further concluded that there was no reason to extend the referendum area beyond the neighbourhood plan area. A link to the Examiners Report is provided under the list of Background Papers.
- 1.8 Using powers delegated to the Portfolio Holder with responsibility for Planning, and following discussion with the Parish Council, each of the recommended modifications was considered and agreed. A link is provided under the list of Background Papers. Modifications were made to the Neighbourhood Plan in line with the examiner’s recommendations, and arrangements made for the Plan to proceed to referendum. A copy of the Martlesham Neighbourhood Plan (referendum version) is attached as Appendix A to this report. In accordance with the relevant regulations, the referendum took place on 24th May 2018. Eligible voters (electorate 4,514) were asked to vote Yes or No to the following question:
- “Do you want Suffolk Coastal District Council to use the Martlesham Neighbourhood Plan to help it decide planning applications in the neighbourhood area?”
- 1.9 The result of the referendum (declared on 25th May 2018) was as follows:
- Votes cast –1,218 (27% turnout)
 - YES votes – 1,138 (93.5%)
 - NO votes – 79 (6.5%)
 - Spoilt votes - 1
- 1.10 Where a referendum results in more than half of those voting, voting in favour of the proposals, the Council must “make” (i.e. adopt) the plan unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention of Rights.
- 1.11 Amendments to the original neighbourhood planning regulations and legislation covering neighbourhood plans mean that for decision making purposes, the Neighbourhood Plan has carried full weight in the determination of planning applications for the neighbourhood plan area since it received a positive vote at referendum. To achieve full statutory status, however, the Council is required to “make” the plan within 8 weeks of the date following the referendum. It is this requirement which has determined the date of this Council meeting.
- 1.12 The results of the referendum clearly indicate that more than half of those voting cast their vote in favour of the plan. The only reason that the Council would not now make

the Neighbourhood Plan is if it considers it would breach, or be incompatible with any EU obligation or any of the Convention of Rights.

- 1.13 Nothing has changed since the original screening opinion and the consideration by the independent examiner as set out in paragraphs 25 – 36 of her Report that the Plan would not breach, or be incompatible with any EU obligation or Convention of Rights. Accordingly, the Council is now required to “make” the Martlesham Neighbourhood Plan. This is set out in the recommendation.

2 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 2.1 The Department for Communities and Local Government (DCLG) provide grant funding to help Local Planning Authorities support groups undertaking neighbourhood plans. In the latter part of the process, the Council is required to pay for the examiner and the referendum arrangements. A claim for £20k was submitted to DCLG and is due for payment in July 2018, which will more than cover these costs.
- 2.2 In accordance with current CIL Regulations the Parish Council is entitled to 25% of CIL receipts from eligible development schemes permitted after the date the Neighbourhood Plan is “Made”. The date a scheme is permitted is the date the detailed/reserved matters planning permission is issued. For towns and parishes with no “Made” neighbourhood plan, the CIL contribution to which they are entitled stands at 15%. (Details on CIL can be found via the following link <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>)
- 2.3 Following the decision to “make” the Neighbourhood Plan, the Council is required to publish the Plan, including details of when and where it can be inspected, and notify any person who has asked to be notified that it has been “Made” (Regulation 20). The final published version of the plan will state “Made” and the date.
- 2.4 A list of “saved” policies from the “old” Suffolk Coastal Local Plan (post adoption of Core Strategy July 2013) published on the Council’s website will be updated to reflect that the following saved policies are now superseded by the Martlesham Neighbourhood Plan:

AP13 Special Landscape Areas

AP28 Areas to be Protected from Development

AP212 Ipswich Fringe: Open character of land between Settlements

AP213 Sandy Lane Martlesham

AP214 Ipswich Road/Sandy Lane Martlesham

AP51 General Employment Area

AP216 Ipswich Fringe: Martlesham Heath Industrial Estate.

It was noted that the last two policies listed were inadvertently missed from the list in Appendix 3 of the Neighbourhood Plan and will need to be added in the final “made” version of the Neighbourhood Plan.

3 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?

- 3.1 As a part of the Development Plan for the district the Martlesham Neighbourhood Plan will help provide a positive contribution to the Vision in the East Suffolk Business Plan.
- 3.2 Enabling Communities: The Neighbourhood Plan is an example of how a community can help influence the way it develops and contribute to wider district ambitions.

4 EQUALITIES IMPACT ASSESSMENT AND PARTNERSHIP IMPACT ASSESSMENT

- 4.1 This report has been prepared having taken into account the results of an Equality Impact Assessment and a Partnership Impact Assessment. The Equalities Impact Assessment showed that there were no adverse impacts on those who, under the Equalities Action 2010 (EA) have protected characteristics. There are no outstanding issues as a result of these assessments.

5 CONSULTATION

- 5.1 The Martlesham Neighbourhood Plan has been subject to consultation through its preparation. Securing and maintaining public support for a Neighbourhood Plan is critical to it achieving a positive result at referendum.

6 OTHER OPTIONS CONSIDERED

- 6.1 None. The Neighbourhood Plan has received the required vote in favour at referendum and is not considered to be in breach of, or otherwise incompatible with, any EU obligation or any of the convention of rights.

7 REASON FOR RECOMMENDATION

- 7.1 The Martlesham Neighbourhood Plan (referendum version) received a YES vote at referendum held on 24th May 2018. The Plan is not considered to be in breach of, or otherwise incompatible with, any EU obligation or any of the Convention of rights. Legislation and regulation governing the neighbourhood planning process now require the Council to formally “make” the Martlesham Neighbourhood Plan, the consequence of which is that it becomes part of the statutory Development Plan.

RECOMMENDATION

1. That the Council “Make” the Martlesham Neighbourhood Plan (referendum version) part of the statutory Development Plan for the Martlesham Neighbourhood Area, subject to an amendment to Appendix 3 – Suffolk Coastal Local Plan Saved Policies being superseded, of the Plan to include policies AP51 General Employment Area and AP216 Martlesham Heath which have been omitted in error.
2. That the Council notes that in making the Martlesham Neighbourhood Plan (referendum version), the following saved policies AP28 Areas to be Protected from Development are superseded insofar as they relate to the neighbourhood plan area:

AP13 Special Landscape Areas

AP28 Areas to be Protected from Development
 AP212 Ipswich Fringe: Open character of land between Settlements
 AP213 Sandy Lane Martlesham
 AP214 Ipswich Road/Sandy Lane Martlesham
 AP51 General Employment Area
 AP216 Ipswich Fringe: Martlesham Heath Industrial Estate

APPENDICES

Appendix A	<p>Martlesham Neighbourhood Plan (referendum version)</p> <p>http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Martlesham/Referendum/Martlesham-NP-v7-FINAL.pdf</p>
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BACKGROUND PAPERS

Date	Type	Available From
05/2015	Neighbourhood Area application Determination and Decision Notice	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Martlesham/Determination-and-decision.pdf
2017	Strategic Environmental Assessment and Habitats Regulations Screening Determination	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Martlesham/Martlesham-NP-SEA-HR-Screening-Determination.pdf
01/2018	Independent Examiner's Report	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Martlesham/Referendum/Martlesham-NP-Examiners-Report.pdf
03/2018	SCDC Consideration of recommended modifications.	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-

	Decision Statement		Planning/Designated-Neighbourhood-Areas/Martlesham/Referendum/Neighbourhood-Plan-Decision-Statement.pdf
05/2018	Referendum Declaration of Result		http://www.eastsuffolk.gov.uk/assets/Elections/Election-notices-SCDC/2018/Martlesham-Neighbourhood-Planning-Referendum-24-May-2018/Martlesham-NPR-Results.pdf
07/2018	Equalities Assessment	Impact	Available on request from the Planning Policy and Delivery Team
07/2018	Partnership Assessment	Impact	Available on request from the Planning Policy and Delivery Team