



COUNCIL

Tuesday 17 July 2018

WENHASTON WITH MELLS NEIGHBOURHOOD PLAN (CL 16/18)

EXECUTIVE SUMMARY

1. The purpose of this report is to “Make” the Wenhaston with Mells 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 Wenhaston with Mells 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 Wenhaston with Mells 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
Wards Affected:	Wenhaston and Westleton
Cabinet Member:	Councillor Tony Fryatt – Cabinet Member for Planning

Supporting Officer	Hilary Hanslip Principal Planning Officer (Policy and Delivery) 01394 444761 Hilary.hanslip@eastsuffolk.gov.uk
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1 INTRODUCTION

- 1.1 Wenhaston with Mells is one of a number of towns and parishes in Suffolk Coastal District to take up the opportunity to produce a Neighbourhood Plan for their community. Unlike most other neighbourhood plans, this plan has been produced entirely by the Parish Council/Neighbourhood Plan Working Group without the assistance of a planning consultant. A copy of the Plan is provided at Appendix A to this report. Whilst the plan covers a range of local issues which are similar to those seen in other neighbourhood plans, it also includes a lighting policy WwMP4 Lighting which references the importance of dark skies which are a characteristic of the neighbourhood area. The plan was not required to allocate any land for housing.
- 1.2 The Neighbourhood Plan area covers the whole of Wenhaston with Mells Parish. The neighbourhood area was designated by Suffolk Coastal District Council on 2nd April 2015.
- 1.3 Following consultation and research, Wenhaston with Mells Parish Council submitted its neighbourhood plan and supporting documentation to Suffolk Coastal District Council in July 2017. Following a further six week consultation period the plan was subject to independent examination.
- 1.4 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 opinion concluded that “The plan does not allocate land for built development and applies to a localised area. The design and environmental policies 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. It is considered by Suffolk Coastal District Council that it is not necessary for a Strategic Environmental Assessment to be undertaken to ensure compliance with EU obligations”.
- 1.5 A link to the Screening Determination is provided under the list of Background Papers.
- 1.6 Following independent examination, the Examiners Report was received by the Council and shared with the Parish Council in January 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.
- 1.7 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 Wenhaston with Mells 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 685) were asked to vote Yes or No to the following question:

“Do you want Suffolk Coastal District Council to use the Wenhaston with Mells Neighbourhood Plan to help it decide planning applications in the neighbourhood area?”

1.8 The result of the referendum (declared on 25th May 2018) was as follows:

Votes cast – 248 (36.2% turnout)

YES votes – 238 (96%)

NO votes – 10 (4%)

1.9 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.

1.10 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.

1.11 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.

1.12 Nothing has changed since the original screening opinion and the consideration by the independent examiner as set out in his conclusions in paragraphs 25 – 36 and 144 of his 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 Wenhaston with Mells 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 policy AP28 Areas to be Protected from Development is now superseded by the Wenhaston with Mells 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 Wenhaston with Mells 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. In contrast to most other neighbourhood plans either “made” or in preparation across the district this neighbourhood plan has been prepared without the help of a planning consultant.

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 Wenhaston with Mells 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 Wenhaston with Mells 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 Wenhaston with Mells Neighbourhood Plan, the consequence of which is that it becomes part of the statutory Development Plan.

RECOMMENDATION

1. That the Council “Make” the Wenhaston with Mells Neighbourhood Plan (referendum version) part of the statutory Development Plan for the Wenhaston with Mells Neighbourhood Area.

2. That the Council note that in making the Wenhaston with Mells Neighbourhood Plan (referendum version), saved policy AP28 Areas to be Protected from Development is superseded insofar as it relates to the neighbourhood plan area.

APPENDICES

Appendix A	<p>Wenhaston with Mells Neighbourhood Plan (referendum version)</p> <p>http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Wenhaston-with-Mells-Hamlet/Referendum/NP-Referendum-Version-V7-FINAL.pdf</p>
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BACKGROUND PAPERS

Date	Type	Available From
04/2015	Neighbourhood Area application Decision Notice	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Wenhaston-with-Mells-Hamlet/Decision-notice.pdf
03/17	Strategic Environmental Assessment Screening Opinion	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Wenhaston-with-Mells-Hamlet/SEA-Screening-Opinion.pdf
01/2018	Independent Examiner's Report	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Wenhaston-with-Mells-Hamlet/Wenhaston-with-Mells-Examiners-Report.pdf
03/2018	SCDC Consideration of recommended modifications. Decision Statement	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Wenhaston-with-Mells-Hamlet/Referendum/Decision-Statement.pdf
05/2018	Referendum Declaration of Result	http://www.eastsuffolk.gov.uk/elections/election-notices-and-results/suffolk-coastal-elections/wenhaston-with-mells-neighbourhood-planning-referendum-thursday-24-may-2018/

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