



<b>Committee</b>	Full Council
<b>Date</b>	26/11/2025
<b>Subject</b>	Lowestoft Neighbourhood Plan
<b>Cabinet Member</b>	Councillor Mark Packard – Cabinet Member with responsibility for Planning and Coastal Management
<b>Report Author(s)</b>	Melanie Seabrook Planner (Policy and Delivery) <a href="mailto:Melanie.Seabrook@eastsuffolk.gov.uk">Melanie.Seabrook@eastsuffolk.gov.uk</a>
<b>Head of Service</b>	Ben Woolnough Head of Planning and Building Control <a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>
<b>Director</b>	Nick Khan Strategic Director <a href="mailto:Nick.khan@eastsuffolk.gov.uk">Nick.khan@eastsuffolk.gov.uk</a>
Key Decision?	No
Is the report Open or Exempt?	OPEN
Category of Exempt	Not applicable
Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	

Purpose/Summary
The purpose of this report is to recommend the 'making' (adoption) of the Lowestoft Neighbourhood Plan, so it becomes part of the development plan for East Suffolk assuming there was a positive result of the Referendum on 20 <sup>th</sup> November 2025. The referendum question asked:  'Do you want East Suffolk Council to use the Neighbourhood Plan for Lowestoft to help it decide planning applications in the neighbourhood plan area?'  If more than 50% of those who voted in the Referendum vote 'Yes' to the question and East Suffolk 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 alongside the adopted East Suffolk Council Waveney Local Plan. The Development Plan is used to determine planning applications.
Recommendation(s)
That the Council:  Make the Lowestoft Neighbourhood Plan (Referendum Version, received October 2025) part of the statutory Development Plan for East Suffolk for the whole of the Lowestoft Neighbourhood area.

Strategic plan How does this proposal support Our Direction 2028?	
<b>Environmental Impact</b>	The Lowestoft Neighbourhood Plan contains policies that seek to protect the environment. Lowestoft Neighbourhood Plan Policy LOW10 –Green Infrastructure, Urban Green Spaces and Biodiversity to provide a measurable increase in biodiversity and impacts mitigated. Lowestoft Neighbourhood Plan Policy LOW16 Green Landscape Area seeks to ensure that development within Green Landscape areas should support its amenity, recreational and environmental value and complement its open and green character. Policy LOW17- Local Green Space designates local green space. Policy LOW18 Recreational and Sports Spaces seeks to protect these spaces from development, but any development should take opportunities to enhance the space. Policy LOW20 Renewable and Low Carbon Energy Schemes seeks to support low energy schemes where there is no significant adverse impact on the local and natural environment.
<b>Sustainable Housing</b>	Whilst the Lowestoft Neighbourhood Plan does not contain policies that allocate land for housing it remains that there will be some opportunities in the town to accommodate housing development in some circumstances which are supported by the Neighbourhood Plan. Policy LOW6 Residential Development seeks to support residential development through the conversion or adaptation of upper floors above shops and commercial units, redevelopment of existing buildings or any infill sites that may be identified. Policy LOW8 Residential Mix and Standards includes requirements that residential developments add to the mix, quality and choice of residential

	<p>accommodation, where affordable housing is required that these are integral to any scheme and indistinguishable within the overall development. Finally, the policy seeks that housing developments should include positive design and landscape features to reduce carbon impact and promote biodiversity</p> <p>Policy LOW19 Transport Provision seeks to ensure that any development that generates additional journeys should incorporate a balanced and sustainable provision of transport options, including active travel</p>
<b>Tackling Inequalities</b>	<p>The Lowestoft Neighbourhood Plan Policy supports new or expanded community facilities. This will help to tackle inequality by providing services and facilities for all members of the community, including those who are experiencing social and economic deprivation.</p>
<b>Thriving Economy</b>	<p>The Lowestoft Neighbourhood Plan includes policies that encourage economic growth. Policy LOW1 East Point Pavilion considers any future development of the site, LOW3 Lowestoft Town Centre and Historic High Street supports development where no harm is caused to its vitality and attractiveness for visitors and local communities. Policy LOW4 Kirkley District Shopping Area supports development where there are no harms to its vitality and attractiveness for visitors and local communities, whilst Policy LOW5 Historic Town Hall Site supports appropriate development proposals for the site.</p>
<b>Our Foundations / governance of the organisation</b>	<p>The Lowestoft Neighbourhood Plan has no policies relating to Our Foundations / governance of the organisation.</p>

## Justification for recommendations

### 1. Background

- 1.1. The Localism Act 2011 created the neighbourhood planning regime, which enabled qualifying bodies (principally Town and Parish Councils) to prepare Neighbourhood Plans for their local areas. Neighbourhood Plans contain planning policies, become part of the development plan for the area and carry the same legal status as the Suffolk Coastal Local Plan and Waveney Local Plan in the determination of planning applications.
- 1.2. The Lowestoft Neighbourhood Plan (Appendix A) has been prepared in accordance with the relevant legal provisions, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012.
- 1.3. The preparation of the Lowestoft Neighbourhood Plan has been carried out by Lowestoft Town Council and the local community, with support from East Suffolk Council planning officers.
- 1.4. The Neighbourhood Planning (General) Regulations 2012 require at least two stages of consultation as part of the preparation of the Neighbourhood Plan. It is the responsibility of the qualifying body to carry out the first of these consultations, and of East Suffolk Council to carry out the latter.
- 1.5. Lowestoft Town Council carried out two rounds of consultation (Regulation 14). The first of these consultations on the draft Neighbourhood Plan was carried out between 24 January 2023 and 7 March 2023 and the second being undertaken between 30 October 2023 to 11 December 2023. The Regulation 16 consultation was carried out by East Suffolk Council between 23<sup>rd</sup> April and 04<sup>th</sup> June 2025.
- 1.6. Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening (background reference document) was carried out on the Draft Neighbourhood Plan to determine whether a full Strategic Environmental Assessment would be required. The screening exercise concluded that a full Strategic Environmental Assessment was not required.
- 1.7. Under the Conservation of Habitats and Species Regulations 2017, Habitats Regulations Assessment (background reference document) screening was also undertaken which identified the draft Neighbourhood Plan did not identify any Likely Significant Effects on Protected Habitat Sites. Therefore, a full Habitats Regulations Assessment was not required.

### 2. Introduction

- 2.1. 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.

- 2.2. Lowestoft Town Council has taken up the opportunity to produce a Neighbourhood Plan for its community. The Neighbourhood Plan has been developed by the community with the Town Council being the 'Qualifying Body'. The Neighbourhood 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 proceed to a Referendum.
- 2.3. The Referendum took place on 20<sup>th</sup> November 2025. The question asked at the Referendum was: *Do you want East Suffolk Council to use the Neighbourhood Plan for Lowestoft to help it decide planning applications in the Neighbourhood Area?"*
- 2.4. For a positive Referendum outcome more people must vote 'Yes' than 'No.' This report was written before the Referendum took place. It is extremely rare for a Neighbourhood Plan to fail at Referendum. Accordingly, a positive outcome is likely at the Referendum. Therefore, this Report has been written on the basis that the plan will be made following a successful Referendum.
- 2.5. The Neighbourhood Plan will formally become part of the Development Plan for East Suffolk once it is made. East Suffolk 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.
- 2.6. 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.
- 2.7. The Neighbourhood Plan Area, which was designated by East Suffolk Council on 10<sup>th</sup> December 2018, covers the entire parish.
- 2.8. The plan addresses a wide range of topics which are important to the local community. Planning policies in the plan relate to:
  - Seafront and Waterfront
  - Design
  - Heritage
  - Green Landscapes
  - Revitalising the Town Centre
  - Living conditions
  - Environment and Place
  - Transport and Movement
  - Sustainable Energy

- 2.9. Lowestoft Town Council engaged with its local community in producing its Neighbourhood Plan. This process is documented in their Consultation Statement (see Background Reference Documents). This included formal consultation which ran between 24<sup>th</sup> January 2023, and 7<sup>th</sup> March 2023 and a second round being undertaken between 30<sup>th</sup> October 2023 and 11<sup>th</sup> December 2023. Following this, the Neighbourhood Plan was submitted to East Suffolk Council. East Suffolk Council then publicised the Neighbourhood Plan and invited comments. This consultation commenced on 23<sup>rd</sup> April and 4<sup>th</sup> June 2025. Following this period of publicity, East Suffolk Council, with the agreement of the Town Council, appointed an Independent Examiner to examine the 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.
- 2.10. Chris Collison BA (Hons) MBA MRTPI MIED IHBC was appointed to examine the Lowestoft Neighbourhood Plan. He issued his Report in August 2025 (see Background Reference Documents) and concluded that subject to modifications the Lowestoft Neighbourhood Plan meets the Basic Conditions and should proceed to Referendum.
- 2.11. The Examiner concluded that the Neighbourhood Plan was compatible with European Obligations and the European Convention on Human Rights.
- 2.12. East Suffolk Council (using powers delegated to the Head of Planning and Building Control) considered each of the Examiner's recommended modifications, in consultation with the Town Council. The Council agreed with all of the Examiner's recommended modifications.
- 2.13. These considerations are set out in the Decision Statement for the Neighbourhood Plan (see Background Reference Documents). The Decision Statement for the Lowestoft Neighbourhood Plan was published in September 2025. The Referendum was held on 20<sup>th</sup> November 2025 and as covered above, the result of the Referendum result will be known by the time of the Full Council meeting and Members will be advised of the result at the meeting.
- 2.14. At the time of writing the report, the Lowestoft Neighbourhood Plan had successfully completed examination and was expected to pass its Referendum on 20<sup>th</sup> November 2025. 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. There are no indications of breaches or compatibility issues therefore the Council must make the Neighbourhood Plan.
- 2.15. Paragraph 14 of the National Planning Policy Framework states that, 'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)'

2.16. The East Suffolk Interim Housing Position Statement (September 2025) confirms that the presumption in favour of sustainable development (paragraph 11d) is currently in effect in the East Suffolk Local Planning Authority area. The Lowestoft Neighbourhood Plan does not contain policies and allocations to meet an identified housing requirement, so paragraph 14 does not apply in the Lowestoft Neighbourhood Plan area.

### **3. Proposal**

3.1. The Lowestoft Neighbourhood Plan contains policies help to determine planning applications within the designated neighbourhood plan area. The Lowestoft Neighbourhood Plan has been prepared following a process of public consultation and examination by an examiner. The Lowestoft Neighbourhood Plan has been prepared in accordance with EU Legislation, including the Convention of Rights. It has also been prepared to be in general conformity with the strategic policies of the East Suffolk Waveney Local Plan and has regard to the Government's national planning policies and guidance.

### **4. Financial Implications**

4.1. The production of the Lowestoft Neighbourhood Plan was undertaken by Lowestoft Town Council. Officer assistance and referendum costs are funded from the budget of the Planning Policy and Delivery Team. East Suffolk Council will claim Neighbourhood Planning Grant of £20,000 from the Government for each Neighbourhood Plan.

4.2. Areas with a made Neighbourhood Plan benefit from a greater proportion of the 'Community Infrastructure Levy' (CIL) where this is payable. 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.

### **5. Legal Implications**

5.1. The Lowestoft Neighbourhood Plan has been prepared in accordance with the relevant legal provisions, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012.

5.2. The Neighbourhood Plan has been subject to a Strategic Environmental Assessment Screening Opinion in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. It has also been subject to a Habitats Regulation Assessment Screening Statement, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

5.3. For the purpose of preparing this report, a DASH Equality Impact Assessment has been undertaken, the outcome of which is that the decision will have a minor positive impact

on those of different age groups. The assessment reference is EQIA759142146

- 5.4. A legal challenge can be made in relation to 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 bought within six weeks of the day the decision is published.
- 5.5. A legal challenge can also be made regarding the conduct of the referendum. Proceedings must be bought by a claim for judicial review filed within six weeks beginning the day on which the results are published.

## **6. Risk Implications**

- 6.1. There are no risks envisaged in relation to the implementation of the recommendations.

## **7. Options**

- 7.1. Make the Lowestoft Neighbourhood Plan meaning the East Suffolk (Waveney) Development Plan includes policies produced by Lowestoft Parish Council that are specific to the Lowestoft Neighbourhood Area. It would also ensure that East Suffolk Council meets the requirements of legislation, which requires a local authority adopt a neighbourhood plan within eight weeks following the day after it is approved at a referendum.
- 7.2. An alternative option would be to not make the Neighbourhood Plan. However, this option can only be taken if it is considered that the making of the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998). There are no indications of breaches or compatibility issues therefore the Council must make the Neighbourhood Plan.

## **8. Recommendations**

That Full Council:

Makes the Lowestoft Neighbourhood Plan (Referendum Version, received October 2025) part of the statutory development plan for East Suffolk for the whole of the Lowestoft Neighbourhood area.

## **9. Reasons for Recommendations**

- 9.1. 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 Plan.

## **10. Conclusions/Next Steps**

- 10.1. If Full Council accepts the recommendation, the Lowestoft Neighbourhood Plan will be made and published in accordance with the Regulations.

## Areas of consideration comments

### Section 151 Officer comments:

There are no financial implications for the Council related to the report recommendations. The Section 151 Officer has been consulted and has no further comments.

### Monitoring Officer comments:

The Monitoring Officer has been consulted and has no comments.

### Equality, Diversity and Inclusion/EQIA:

For the purpose of preparing this report, a DASH Equality Impact Assessment has been undertaken, the outcome of which is that the decision will have a minor positive impact on those of different age groups and of those under deprivation or socio-economic disadvantage. The assessment reference is EQIA759142146.

### Safeguarding:

Not applicable

### Crime and Disorder:

Not applicable

### Corporate Services implications:

Legal Services' officers have been consulted during the preparation of the report, but there are no identified impacts on the service arising from agreement to the recommendations in this report.

### Residents and Businesses consultation/consideration:

Lowestoft Town Council has engaged with the local community in producing the neighbourhood plan. Furthermore, the Lowestoft Neighbourhood Plan has been subject to three formal rounds of consultation.

Further details of the community engagement carried out throughout the preparation of the Lowestoft Neighbourhood Plan is contained in the Consultation Statement (see background reference document).

## Appendices:

<b>Appendix A</b>	Lowestoft Neighbourhood Plan
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## Background reference documents:

Date	Type	Available From
2025	Lowestoft Neighbourhood Plan Consultation Statement	<a href="#">Lowestoft-Consultation-Statement.pdf</a>
2025	Lowestoft Neighbourhood Plan Examiner's Report	<a href="#">Examiners-report.pdf</a>
2025	Lowestoft Neighbourhood	<a href="#">Decision-Statement.pdf</a>

	Plan Decision Statement	
2024	Strategic Environmental Assessment Screening Opinion	<a href="#"><u>Lowestoft Sustainability Appraisal Screening</u></a>
2024	Habitats Regulations Assessment Screening Statement	<a href="#"><u>Habitats-Regulations-Assessment-April-2024.pdf</u></a>