

FULL COUNCIL

Wednesday, 25 January 2017

KESSINGLAND NEIGHBOURHOOD PLAN (REP1525)

EXECUTIVE SUMMARY

1. The purpose of this report is to “make” the Kessingland Neighbourhood Plan (as modified) part of the development plan for the area in light of the referendum result held on 24th November 2016 and legal considerations.
2. The referendum question asked “Do you want Waveney District Council to use the Kessingland 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.
3. Once “made” the Kessingland Neighbourhood Plan (as modified) will achieve its full legal status and become part of the Development Plan for the area and sit alongside the adopted Core Strategy, Development Management Policies, Site Specific Allocations and Area Action Plan development plan documents.

Is the report Open or Exempt?	Open
Wards Affected:	Kessingland
Cabinet Member:	Councillor David Ritchie Deputy Leader and Cabinet Member for Planning & Coastal Management
Supporting Officer:	Dickon Povey Principal Planner (Policy and Delivery) (01502) 523043 dickon.povey@eastssuffolk.gov.uk

1 INTRODUCTION

- 1.1 Kessingland Parish Council is the first parish in Waveney District to take up the opportunity to produce a neighbourhood plan for their community. The neighbourhood plan area covers the whole of Kessingland Parish. The neighbourhood area was designated by Waveney District Council on 20th July 2013.
- 1.2 Following consultation and research, Kessingland Parish Council submitted its neighbourhood plan and supporting evidence to Waveney District Council in May 2016. The plan was subject to independent examination and the Examiner's report was received by the Council in August 2016. The Examiners report recommended the plan proceed to referendum subject to modifications.
- 1.3 Using powers delegated to the head of planning and coastal management and in consultation with the cabinet member for planning and coastal management, each of the recommended modifications recommended was considered and agreed. Modifications were made to the plan in line with the examiner's recommendations and arrangements were made for the plan to proceed to referendum. In accordance with the relevant regulations, the referendum took place on 24th November 2016. Eligible voters (electorate 3432) were asked to vote yes or no to the following question:
- 1.4 "Do you want Waveney District Council to use the Kessingland Neighbourhood Plan to help it decide planning applications in the neighbourhood area?"
- 1.5 The result of the referendum is as follows:
- | | |
|--------------|---------------------|
| Votes cast - | 957 (27.8% turnout) |
| YES votes - | 854 (89%) |
| NO votes - | 103 (11%) |
- 1.6 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 as soon as is reasonably practical unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention of Rights.
- 1.7 The results of the referendum clearly indicate that more than half of those voting have voted in favour of the plan. Nothing has changed since the earlier consideration of the Examiners report and modifications which would suggest that the plan would breach, or be incompatible with any EU obligation or any of the Convention of Rights.

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 in the process, for Kessingland, the District Council has been required to pay for the Examiner and the referendum arrangements. A claim for £20k was submitted to DCLG in December 2016 to cover these costs.
- 2.2 Once "made" the Kessingland Neighbourhood Plan (as modified) will become a part of the Development Plan for Waveney District. Planning law requires that applications for planning

permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 2.3 Following the decision to “make” the plan, the Council is required to publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been “made” and when and where it may be inspected (Regulation 20).

3 OTHER KEY ISSUES

- 3.1 This report has been prepared having taken into account the results of an Equality Impact Assessment, a Sustainability Impact Assessment and a Partnership Impact Assessment.

4 CONSULTATION

- 4.1 The Kessingland Neighbourhood Plan has been subject to extensive consultation throughout its preparation.

5 OTHER OPTIONS CONSIDERED

- 5.1 None. The neighbourhood plan has received the required vote in favour and is not considered to breach, or be incompatible with any EU obligation or any of the convention of rights.

6 REASON FOR RECOMMENDATION

- 6.1 To formally “make” the Kessingland Neighbourhood Plan as part of the statutory development plan thereby giving it full statutory weight in the determination of planning applications.

RECOMMENDATION

That Waveney District Council “make” the Kessingland Neighbourhood Plan (as modified) part of the statutory development plan for the Kessingland Neighbourhood Area.

APPENDICES

Appendix A	<p>Kessingland Neighbourhood Plan (as modified)</p> <p>http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Kessingland/Referendum/Kessingland-Neighbourhood-Plan-2016-2030-Referendum-Version.pdf</p> <p>Please note that due to the size of this document, it has not been published with these papers. A copy is available to view in the Members Room, on the Council’s website or upon request.</p>
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BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	Neighbourhood area application	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Kessingland/Application-form.pdf
	Neighbourhood area application decision notice	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Kessingland/Decision-notice.pdf
	Independent examiner's report	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Kessingland/Kessingland-neighbourhood-area-examiner-report-August-2016.pdf
	WDC consideration of recommended modifications	http://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Kessingland/Referendum/Decision-Statement.pdf
	Referendum declaration of result	http://www.eastsuffolk.gov.uk/assets/Elections/Election-notices-WDC/2016/Kessingland-Neighbourhood-Plan-Referendum-November-2016/Declaration-of-Result-of-Poll.pdf