

Planning Committee

16 July 2021

Agenda item number 9

Beccles Neighbourhood Plan – proceeding to referendum

Report by Planning Policy Officer

Summary

The Beccles Neighbourhood Plan and the representations received on the submitted Plan during the publication stage have been subject to an independent examination by a suitably qualified individual who endorsed the Plan, with some changes, for referendum.

Recommendations

1. To support the Examiner's report and support the Beccles Neighbourhood Plan proceeding to referendum.
 2. To endorse the further changes proposed by Beccles Town Council.
 3. That Planning Committee support the result of the referendum being reported directly to Broads Authority at the next available meeting, likely to be on 24th September.
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1. Introduction

- 1.1. The submitted Beccles Neighbourhood Plan was approved by the Broads Authority at Planning Committee in December 2020. This was followed by a statutory publication period between 14 December 2020 and 8 February 2021 in which the Plan and its supporting documents were made available to the public and consultation bodies via:
 - East Suffolk Council website
(<https://www.eastsuffolk.gov.uk/planning/neighbourhood-planning/neighbourhood-plans-in-the-area/beccles-neighbourhood-area/>)
 - Hard copies were available at Beccles Town Hall by appointment only.
- 1.2. During the publication period, representations from 28 different organisations/ individuals were received. The representations can be viewed here:
<https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Beccles/Responses-to-Beccles-Neighbourhood-Plan-Regulation-16-excluding-late-representations.pdf>
and the late representations here:
[https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-](https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Beccles/Responses-to-Beccles-Neighbourhood-Plan-Regulation-16-excluding-late-representations.pdf)

[Neighbourhood-Areas/Beccles/Responses-to-Beccles-Neighbourhood-Plan-Regulation-16-late-representations.pdf](#).

- 1.3. These representations were submitted, along with the Neighbourhood Plan and supporting information, to the independent Examiner, Mr Nigel McGurk. The examination was conducted via written representations during March/April 2021 (the Examiner deciding that a public hearing would not be required).
- 1.4. Legislation directs that an Examiner considers whether:
 - a) the draft plan meets the ‘basic conditions’¹ of a Neighbourhood Development Plan,
 - b) the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan,
 - c) the area for referendum should extend beyond the neighbourhood area, and
 - d) the draft plan is compatible with the Convention rights.
- 1.5. Planning legislation states that once a local planning authority has been issued with an Examiner’s report, they must consider the recommendations. If the authority is satisfied with the Examiner’s recommendations then any specified modifications should be made before the Plan proceeds to referendum.
- 1.6. If the Broads Authority and East Suffolk Council are satisfied then they will need to publicise their decision (a decision statement) and move to a referendum (should that be what the examiner recommends). If they are not satisfied, then they must refuse the plan proposal and publicise their decision. This decision would be subject to a further six-week consultation, with a possibility of a further independent examination.

2. The Examiner’s report

- 2.1. The Examiner’s report concludes that, subject to amendments (as set out in the report), the Neighbourhood Plan can proceed to referendum. The Examiner also concluded that the area of the referendum does not need to be extended beyond Beccles. The report can be found here: <https://www.eastsuffolk.gov.uk/assets/Planning/Neighbourhood-Planning/Designated-Neighbourhood-Areas/Beccles/Beccles-Neighbourhood-Plan-Examiners-Report.pdf>
- 2.2. Whilst it is disappointing that the Examiner did not take forward our comments² on the Plan, the changes proposed by the Examiner seem reasonable and are useful.
- 2.3. **It is therefore recommended that Planning Committee support the Examiner’s report and support the Beccles Neighbourhood Plan proceeding to referendum.**

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

² https://www.broads-authority.gov.uk/_data/assets/pdf_file/0021/374007/Consultation_Responses_January-2021.pdf

3. Further changes propped by the Town Council

- 3.1. On receiving the Examiner's report, and the changes proposed by the Examiner, Beccles Town Council are proposing some more amendments to the Beccles Neighbourhood Plan. These are set out in the following table, with commentary.

Part of Neighbourhood Plan	Proposed amendment	Commentary
Para 4.20	It should be noted that Beccles Quay is within the Broads Authority area and therefore any proposals must also take account of the policies in its Local Plan, including policies DM31 , DM33 and Policy BEC2 on residential moorings.	A factual change that refers to policies of the Local Plan for the Broads that will be relevant. Change supported as it is not considered a material change.

- 3.2. **It is recommended that this change, proposed by Beccles Town Council, is supported and made to the final Neighbourhood Plan.**

4. Next steps

- 4.1. Should the Examiner's recommendations be met with full approval by East Suffolk Council and the Broads Authority, then a decision statement will then be produced which will be published, along with the Examiner's report, on the Broads Authority and East Suffolk Council's website and made available in the other locations. Beccles Town Council will make the appropriate amendments to the plan as set out in the Examiner's Report (and as set out in section 3 of this report).
- 4.2. Should the recommendation be to proceed to a referendum, then the next steps will involve East Suffolk Council publishing information and giving at least 28 days' notice of the referendum (not including weekends and Bank Holidays). Again, this information will be made available on the East Suffolk Council and Broads Authority websites and likely made available by Beccles Town Council.
- 4.3. The referendum is set for 16th September.
- 4.4. If more than half of the people who vote in this referendum vote in favour of the proposal then East Suffolk Council and Broads Authority must adopt/make the Neighbourhood Plan as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 4.5. This means that, should the referendum result support the Neighbourhood Plan, then the Plan would be subject to East Suffolk Council and the Broads Authority ratification

before it is 'made', although the NPPG says that 'A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum'.

- 4.6. Should the local planning authority propose to make a decision that differs from the Examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authority about a particular fact) then they:
 - 4.6.1. Are required to notify all those identified in the consultation statement about this position and invite representations;
 - 4.6.2. May refer the issue to an independent examination if they think it appropriate.
- 4.7. The Beccles Neighbourhood Plan is due to be the subject of a referendum on 16th September 2021. Due to the legislation and regulations that guide the production of Neighbourhood Plans, and the programme of Authority meeting it may be difficult to bring the result of the referendum to Planning Committee prior to a Broads Authority meeting for adoption. **As a pragmatic approach, it is recommended that Planning Committee support the following approach: that the result is reported directly to the next appropriate Broads Authority meeting, likely to be on 24th September. If more than 50% of votes cast support the Neighbourhood Plan, the recommendation to Broads Authority would be to make/adopt the Beccles Neighbourhood Plan.** Whilst this is not the usual process for such reports (with the usual process being to go to Planning Committee prior to Broads Authority), this approach seems pragmatic given the required timescales. If the threshold of 50% is not reached, the report will be not be taken to the Broads Authority meeting and we will liaise with Beccles Town Council and East Suffolk about the next steps.

5. Financial Implications

- 5.1. Officer time in assisting East Suffolk Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by East Suffolk Council.

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