

## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

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| <b>TO:</b> Council  | <b>REPORT NUMBER:</b> <b>BC/20/8</b>                                      |
| <b>FROM:</b> Cabinet Members for Planning                                 | <b>DATE:</b> 10 November 2020 (Babergh)<br>11 November 2020 (Mid Suffolk) |
| <b>OFFICER:</b> Tom Barker – Assistant Director – Sustainable Communities | <b>KEY DECISION REF NO.</b> N/A   |

### BABERGH AND MID SUFFOLK – DRAFT JOINT LOCAL PLAN AND STATEMENT OF COMMUNITY INVOLVEMENT ADDENDUM

#### 1. PURPOSE OF REPORT

- 1.1 To approve Babergh and Mid Suffolk District Councils' Joint Local Plan Pre-Submission (Regulation 19) Document, hereinafter referred to as the 'Draft Joint Local Plan' and the 'Plan', for publication (Appendix A). A six-week period on the legal compliance and soundness of the Plan, is proposed to take place between 12<sup>th</sup> November and 24<sup>th</sup> December 2020. Soundness is defined in paragraph 35 of the National Planning Policy Framework as being a) positively prepared, b) justified, c) effective and d) consistent with national policy.
- 1.2 The Draft Joint Local Plan sets out a planning framework to guide development and facilitate growth in Babergh and Mid Suffolk Districts over the period from 2018 to 2037. It will play an important role in shaping our future – how towns and villages develop, how we protect and enhance our natural environment, develop our local economy, improve leisure and visitor facilities, improve social infrastructure and support more sustainable forms of travel. The Draft Joint Local Plan provides a set of policies, which will be used to inform decisions on planning applications and appeals.
- 1.3 The creation of a Local Plan is a regulated process which requires formal consultation and public engagement at a range of different stages (as identified within the Councils' Local Development Scheme (July 2020)). Babergh and Mid Suffolk District Councils began gathering a range of evidence to inform the preparation of a new Joint Local Plan during 2016. An early draft plan identifying broad issues and options was produced, and consultation undertaken during 2017. A Preferred Options Joint Local Plan was published, and consultation undertaken during 2019.
- 1.4 This report seeks approval to go to the next stage in the process and invite representations on the legal compliance and soundness of the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (Appendix A). Approval is also sought for delegated authority to the Assistant Director for Sustainable Communities, in consultation with the Cabinet Member for Planning, to submit the Joint Local Plan Pre-Submission (Regulation 19) Document to the Secretary of State for an independent Examination and for modification and procedural processes necessary for the Examination.

- 1.5 The Councils commissioned an independent Sustainability Appraisal (SA) (Appendix B) and Habitats Regulations Assessment (HRA) (Appendix C) of the draft Joint Local Plan. The outcomes of these studies have been embedded in the Plan. The Sustainability Appraisal sets out the expected environmental performance of the Draft Joint Local Plan policies/sites and documents the reasons for selecting policies/sites relative to any identified reasonable alternatives.
- 1.6 The current Covid-19 restrictions have meant that the Councils have had to adapt how we undertake engagement on the Joint Local Plan. This has led to a focus on virtual communications and the use of new technology to engage. This has also resulted in a temporary change to some aspects of the Councils' adopted Statement of Community Involvement. Approval is therefore sought for an addendum to the Statement of Community Involvement, which is appended to this report (Appendix E), that temporarily amends the adopted Statement of Community Involvement.

## **2. OPTIONS CONSIDERED**

- 2.1 Option 1 is to approve the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document for publication and to give delegated authority to the Assistant Director for Sustainable Communities, in consultation with the Cabinet Member for Planning, to submit the Joint Local Plan Pre-Submission (Regulation 19) Document to the Secretary of State for an independent Examination and for modification and procedural processes necessary for the Examination. Also, to approve the addendum to the Statement of Community Involvement to enable the engagement process to be undertaken. If this option is approved, the Councils will be able to invite representations on the Draft Joint Local Plan, which will have increased weight in planning decisions, and the Councils will subsequently be able to submit the Draft Joint Local Plan for formal Examination. The Draft Joint Local Plan has been developed incrementally considering options for the development of policies through public consultation and Councillor engagement.
- 2.2 Option 2 is not approving the above. This is not recommended. There is a statutory duty to produce a Local Plan and not producing a Plan could lead to it being produced by the Government. Not approving the above would result in planning decisions continuing to be made in the absence of draft policies, and if the proposed changes to the standard method for assessing local housing need come into effect later this year, there would be no transitional arrangements for the Plan. Any delay to the current programme (see paragraph 1.4) would mean any future Plan being subject to increased levels of housing delivery and uncertainty in other aspects, for example economic forecasts and viability for delivery as a result of Covid-19.

## **3. RECOMMENDATIONS**

- 3.1 That the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020) (Appendix A) be approved for publication under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended).

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| 3.2   | That delegated authority is given to the Assistant Director for Sustainable Communities, in consultation with the Cabinet Member for Planning, to submit the Joint Local Plan Pre-Submission (Regulation 19) Document to the Secretary of State for an independent Examination and for modification and procedural processes necessary for the Examination. |
| 3.3   | That the addendum to the Statement of Community Involvement (November 2020) (Appendix E) be approved.   |
| <b>REASON FOR DECISION</b>  |   |
| To undertake to invite representations on the legal compliance and soundness of the Joint Local Plan Pre-Submission (Regulation 19) Document over a six-week period between 12 <sup>th</sup> November and 24 <sup>th</sup> December 2020, and for the Joint Local Plan Pre-Submission (Regulation 19) Document to be submitted for Examination. |   |

#### **4. KEY INFORMATION**

##### Introduction

- 4.1 In June and July 2016, Councillors approved the commencement of the preparation of a new Joint Local Plan for Babergh and Mid Suffolk District Councils. The Councils' evidence base was updated, and an Options Document for consultation produced.
- 4.2 In July 2017 Councillors approved the Babergh and Mid Suffolk Joint Local Plan: Options Document, which underwent a public consultation from 21<sup>st</sup> August to 10<sup>th</sup> November 2017. The document contained options for the development of policies within the Joint Local Plan, and details of sites that had been submitted to the Councils for consideration within the Joint Local Plan, which had been deemed potentially suitable for development.
- 4.3 In June 2019 Councillors approved the Babergh and Mid Suffolk Joint Local Plan: Preferred Options Document, which underwent public consultation from 22<sup>nd</sup> July to 30<sup>th</sup> September 2019. The document contained preferred policies and sites deemed potentially suitable for development.
- 4.4 The evidence base supporting the Draft Joint Local Plan has continued to develop and has resulted in some changes to the Joint Local Plan. Further evidence has been undertaken in respect of flood risk, heritage, landscape, transport, water, and viability assessment, alongside sustainability appraisal, habitats regulations assessment and an updated infrastructure delivery plan.

##### Babergh and Mid Suffolk Joint Local Plan

- 4.5 The Draft Joint Local Plan consists of three main sections. Part 1 contains strategic policies, with Part 2 containing development management policies and Part 3 focusing on places and site allocations.
- 4.6 The strategic policies (Part 1) address housing (including affordable housing), the settlement hierarchy, the spatial distribution of growth, the economy, infrastructure and the environment.

- A housing requirement for Babergh of 416 dwellings per year (7,904 dwellings between 2018 and 2037), and for Mid Suffolk of 535 dwellings per year (10,165 dwellings per year between 2018 and 2037). A significant proportion of this requirement already had planning permission at 1<sup>st</sup> April 2018, which is the starting point of the Plan. Therefore, the Draft Joint Local Plan is allocating sites to meet the remainder of this requirement, some of which have secured planning permission since 1<sup>st</sup> April 2018. In addition, some sites will be allocated through neighbourhood plans. To ensure the Plan is deliverable throughout the plan period a contingency of approximately 20% has been added to the supply of housing.
- 35% affordable housing is sought on relevant sites of 10 or more homes, or sites of 0.5 ha or more.
- The settlement hierarchy indicates the broad sustainability of communities across the district areas. It has identified settlements through consideration of key services and facilities.
- The spatial distribution of housing seeks to secure a balance to growth in the strategic transport corridors areas, as well as ensuring that other market towns and rural communities benefit from appropriate growth. A minimum housing requirement is identified for designated neighbourhood plan areas.
- Supporting the area's diverse economic base.
- Focusing new retail and town centre uses to defined areas in Hadleigh, Sudbury, Stowmarket, Needham Market, Eye and Debenham.
- Supporting sustainable tourism proposals.
- Setting out a framework to support appropriate infrastructure provision, having regard to the infrastructure delivery plan.
- Enhancing and managing the environment and networks of green infrastructure including biodiversity and landscapes. Identifying areas where mitigation is required to address impacts on Protected Habitats, through Babergh and Mid Suffolk District Councils' strategic approach to managing impacts on Special Protection Areas. This is undertaken through the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- Addressing climate change through mitigation and adaptation, taking into account long-term implications for matters including flood risk, water supply and biodiversity.

- 4.7 The development management policies (Part 2) contain more detailed policies which support the strategic policies identified in paragraph 4.6.
- 4.8 The place section (Part 3) of the Plan covers the identification of site allocations to ensure the Plan can be delivered to meet the strategic priorities set out in the Plan.
- 4.9 Sustainability Appraisal is carried out alongside the preparation of the Plan (Appendix B), alongside Habitats Regulations Assessment (Appendix C).

## Statement of Community Involvement addendum

- 4.10 The Babergh and Mid Suffolk Joint Statement of Community Involvement: Planning Matters (SCI) was adopted in February 2019. The document sets out how the Councils will involve the community in preparing the Local Plan and in assessing planning applications.
- 4.11 The Covid-19 restrictions have meant that sections of the SCI have needed to be temporarily amended to ensure the plan-making process and the determination of planning applications can continue. Temporary changes to Chapter 4 of the SCI: Planning Applications were undertaken earlier in 2020, which mean that site notices are now displayed on a case by case basis, as well as reviewing those cases that would normally be reported to planning committees. Virtual planning committee meetings have also taken place. The Councils are unable to offer face to face meetings as part of the Pre-Application Advice Service, but are able to offer audio, video or web conferencing service as an alternative where appropriate.
- 4.12 The proposed amended practice in response to the Covid-19 pandemic for plan-making purposes is in accordance with the new legislation that amends regulations 35 and 36 of the Town and Country (Local Planning) (England) Regulations 2012 in respect of hard copies. The legislation (The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020) removes the requirement to make certain documents available for inspection at premises and to provide hard copies on request until 31<sup>st</sup> December 2020.
- 4.13 The SCI addendum notes that the documents will be made available on the Councils' websites. All documentation will be available to view online only for this Regulation 19 period and thereafter subject to guidance from the Government regarding Covid-19.
- 4.14 Engagement with Town and Parish Councils and Neighbourhood Plan groups will be undertaken virtually through online platforms. The Councils will, where possible, send relevant documentation electronically to support organisations for identified hard to reach groups. When advertising the Regulation 19 period the e-mail address and phone number of the Planning Policy team will be made available, so that anyone having problems viewing the documents can discuss this stage of the plan-making process and seek assistance to view them.

## **5. LINKS TO CORPORATE PLAN**

- 5.1 The Draft Joint Local Plan will contribute to the Councils meeting their corporate priorities in terms of housing, the economy, the environment, communities and wellbeing.
- 5.2 The Draft Joint Local Plan reflects these themes by including them as objectives to be achieved (in part) through new land use and planning strategies. In particular, the Draft Joint Local Plan will help Babergh and Mid Suffolk District Councils to achieve their priorities on:
- Housing: the Draft Joint Local Plan identifies how many homes are needed in the area and sets out a spatial distribution of homes to ensure this need can be delivered. It also identifies the size, type and tenure of homes needed for

the area. The new Plan will provide certainty about growth expectations and the locations for growth. Retaining or improving the vitality of communities will be a key consideration. This objective seeks to ensure the delivery of the right homes, of the right tenure in the right place, meeting need.

- **Economy:** the Draft Joint Local Plan seeks to encourage the development of employment sites and other business growth, of the right type, in the right place and encourage investment in infrastructure, skills and innovation in order to increase productivity.
- **Environment:** the Draft Joint Local Plan sets out how the Councils will protect and enhance environmental assets for current and future generations. This includes achieving biodiversity net gains from new development and contributions to addressing climate change. The Plan seeks to protect and enhance heritage assets and landscapes. The Plan also seeks to ensure new development avoids areas of flood risk and reduces future flood risk where possible.
- **Communities and Wellbeing:** the Draft Joint Local Plan supports strong and healthy communities by aiming to support and safeguard key services and facilities within the districts. The Draft Joint Local Plan provides the policy framework for the Community Infrastructure Levy and securing other contributions. These key services and facilities play an important role in the community, to enable all communities to thrive, grow, be healthy, active and self-sufficient through supporting the provision of the necessary infrastructure, and encouraging more sustainable travel. A further objective is to continue to support communities to deliver plans and projects at the district and neighbourhood levels.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There is an annual budget to support the technical evidence (consultancy work) across both Babergh and Mid Suffolk District Councils, which totals £112,970 a year and is added to by any unspent funding from previous years. There is additional budget for any legal expenses necessary to support the preparation of the Joint Local Plan. Examination costs for the Joint Local Plan will be met through the 2021/22 Budget.
- 6.2 Joint Local Plan Examination costs will occur when the Examination in Public takes place and will include the Inspector's costs as well as the cost of appointing a Programme Officer to support the Examination, which is required. There will also be consultant costs to support the Examination.

## **7. LEGAL IMPLICATIONS**

- 7.1 The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the procedures to be followed in the preparation of Local Plans. The Babergh and Mid Suffolk Draft Joint Local Plan (Regulation 19) Document (November 2020) is being published under Regulation 19 of these Regulations, as amended by the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020.

- 7.2 The purpose of publication is to allow representations to be made before the Joint Local Plan is submitted for independent Examination, so that the Planning Inspector has those representations when considering the legal compliance and soundness of the Joint Local Plan as submitted. All duly made representations will be passed onto the Examination process.
- 7.3 Every Local Plan must be informed and accompanied by a Sustainability Appraisal, which also incorporates Strategic Environmental Assessment (SEA) to meet the statutory requirement that a Local Plan is subject to the process of environmental assessment as set out in the SEA Regulations 2004. Among other things, the accompanying Sustainability Appraisal sets out the expected environmental performance of the Draft Joint Local Plan policies/sites and documents the reasons for selecting policies/sites relative to any identified reasonable alternatives.
- 7.4 The Draft Joint Local Plan is also subject to a Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 7.5 Under Section 110 of the Localism Act 2011, the Councils have a legal duty to co-operate with adjacent local planning authorities, statutory organisations and other relevant infrastructure providers. A Planning Inspector will first consider if the duty to co-operate has been met before proceeding to other aspects of the Examination.
- 7.6 Planning law requires that where Development Plan policies are relevant to planning applications, decisions in determining these must be made in accordance with the adopted Plan, unless material considerations indicate otherwise. The legal planning decision framework therefore relies on Councils having an up-to-date Development Plan in place.

## **8. RISK MANAGEMENT**

- 8.1 This report impacts upon the following Corporate / Significant Business Risks:
- 1 Not having an up to date understanding of housing need and demand.
  - 2 Not having a sufficient, appropriate supply of land available in the right locations.
  - 3 Not being able to meet the Government's Housing Delivery Test.
  - 4 Development may be unsustainable if we do not secure investment in infrastructure.
  - 7 Lack of workspace delivered in districts due to market failure.
  - 9 Not being able to help communities become more sustainable.

Other key risks are set out below:

| Risk Description  | Likelihood          | Impact             | Mitigation Measures   |
|---|---------------------|--------------------|---|
| <p>Disagreement to endorse the proposed publication extending the time without a plan-led approach and potentially creating more speculative applications and appeals. This would also create uncertainty for communities and the development sector and could potentially result in the Government taking over production of the Joint Local Plan.</p> | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>Councillors have been engaged in the preparation of the Joint Local Plan to date. Engagement has also taken place through Member Working Group meetings. Clear explanation of the reasons for the Joint Local Plan strategy.</p> |
| <p>Consultees who wish to provide a collective response are unable to undertake an effective means of achieving this due to Covid-19.</p>   | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>Engagement with Town and Parish Councils and Neighbourhood Plan groups is planned electronically at the beginning of the consultation.</p>   |
| <p>If a statutory consultee is not consulted, then the period inviting representations would need to be extended to ensure the statutory consultee would have six weeks to respond.</p>   | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>Processes are in place to ensure all statutory consultees are known and able to be contacted.</p>  |
| <p>Significant objections to the soundness or legal requirements of the Joint Local Plan, causing additional scrutiny at Examination.</p>   | <p>Probable (3)</p> | <p>Serious (3)</p> | <p>Processes in place to ensure all representations are appropriately considered and responded to.</p>  |

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| <p>Duly made representations, which could result in the Joint Local Plan being found unsound and unable to progress to adoption.</p>  | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>The Councils have undertaken an evidence-led approach to producing the Joint Local Plan and have prepared the document with regard to the latest national planning practice guidance. A Local Plan Examination will take into account all of the evidence and will consider representations accordingly.</p> |
| <p>Delegated authority is not agreed to submit the Joint Local Plan for Examination and make minor modifications, which would extend the time taken to submit the Plan.</p>   | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>The Local Development Scheme sets out the planned timetable for the production of the Joint Local Plan, which has been agreed at Council meetings.</p>   |
| <p>Do not agree to the measures set out in the Statement of Community Involvement addendum, which would mean the consultation is unable to take place until the Covid-19 restrictions are lifted.</p>   | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>The Councils are following the guidance set out from the Government.</p>   |
| <p>Publication of the Draft Joint Local Plan (Regulation 19) is delayed resulting in any future Plan being subject to increased levels of housing delivery and uncertainty in other aspects, for example economic forecasts and viability for delivery as a result of Covid-19.</p> | <p>Unlikely (2)</p> | <p>Serious (3)</p> | <p>Councillors have been engaged in the preparation of the Joint Local Plan to date. Engagement has also taken place through Member Working Group meetings. Clear explanation of the reasons for the Joint Local Plan strategy.</p>   |

## **9. CONSULTATIONS / PUBLICATION**

- 9.1 A public consultation was undertaken on the Joint Local Plan: Consultation Document (August 2017) between 21<sup>st</sup> August and 10<sup>th</sup> November 2017. 1,300 individuals responded to the consultation with approximately 14,000 responses. This was followed by engagement with Councillors at a series of Councillor workshops.
- 9.2 A public consultation was undertaken on the Joint Local Plan Preferred Options document (July 2019) between 22<sup>nd</sup> July and 30<sup>th</sup> September 2019. Approximately 4,400 responses were received.

### Publication

- 9.3 The Draft Joint Local Plan is proposed to be subject to a six-week period where representations will be invited on the legal compliance and soundness, that it is positively prepared, effective, justified, and consistent with national policy, between 12<sup>th</sup> November and 24<sup>th</sup> December 2020.
- 9.4 There are a significant number of neighbourhood plan groups with either made (adopted) neighbourhood plans or plans at varying stages of preparation. Briefings at the previous stage were undertaken and it is proposed to repeat these briefings virtually through online platforms.
- 9.5 Briefings were also given to Town and Parish Councils at the previous stage and it is also proposed to repeat these virtually through online platforms.
- 9.6 There will be no face-to-face engagement, however any questions regarding the process can be submitted to the Planning Policy team via e-mail or by phone. Responses must be made in writing in accordance with the published statement of representations procedure for them to be considered 'duly made', that is complies with all the relevant requirements, and then sent onto the independently appointed Planning Inspector for Examination.
- 9.7 A consultation statement will be submitted to the Secretary of State along with the Draft Joint Local Plan and documentation for Examination.
- 9.8 The Regulation 19 stage will need to conform to the requirements of the Statement of Community Involvement (February 2019) as amended in the addendum.

## **10. EQUALITY ANALYSIS**

- 10.1 An Equality Impact Assessment (EIA) is required and is appended at Appendix D.

## **11. ENVIRONMENTAL IMPLICATIONS**

- 11.1 As mentioned in paragraph 4.9 of this report, the Sustainability Appraisal incorporating Strategic Environmental Assessment of the Plan is carried out alongside the preparation of the Plan, and is appended at Appendix B.
- 11.2 An Appropriate Assessment has also been undertaken as required by a Habitats Regulations Assessment to identify the impact of the Plan on Protected Habitats and appropriate mitigation and is appended at Appendix C.

## 12. APPENDICES

| Title   | Location  |
|---|---|
| (a) Babergh and Mid Suffolk Draft Joint Local Plan                            | <a href="#">Appendix A (BDC)</a><br><a href="#">Appendix A (MSDC)</a> |
| (b) Sustainability Appraisal incorporating Strategic Environmental Assessment | <a href="#">Appendix B (BDC)</a><br><a href="#">Appendix B (MSDC)</a> |
| (c) Habitats Regulations Assessment including Appropriate Assessment          | <a href="#">Appendix C (BDC)</a><br><a href="#">Appendix C (MSDC)</a> |
| (d) Equality Impact Assessment  | <a href="#">Appendix D (BDC)</a><br><a href="#">Appendix D (MSDC)</a> |
| (e) Statement of Community Involvement addendum                               | <a href="#">Appendix E (BDC)</a><br><a href="#">Appendix E (MSDC)</a> |

## 13. BACKGROUND DOCUMENTS

- 13.1 The [JLP live Core Doc Library \(BDC\)](#) and [JLP live Core Doc Library \(MSDC\)](#) contains the evidence base for the Joint Local Plan.

## 14. REPORT AUTHORS

Robert Hobbs, Corporate Manager – Strategic Planning