

## BABERGH DISTRICT COUNCIL

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| <b>From: Head of Economy</b>  | <b>Report Number: N108</b>               |
| <b>To: Strategy Committee</b> | <b>Date of meeting: 13 February 2014</b> |

### BABERGH CORE STRATEGY AND POLICIES (2011 - 2031) - ADOPTION

#### 1. Purpose of Report

- 1.1 This report serves to complete preparation work on a key delivery arm for the Council's agreed vision and identified strategic priorities. This asks Members to consider the adoption stage of the Babergh Core Strategy and Policies (2011-2031) and to recommend (final) adoption by Full Council<sup>1</sup>. The report accordingly provides for its introduction and immediate use in planning (and related) decisions and in the Council's planning activities (such as the planning and delivery of growth and new developments).
- 1.2 The documents that accompany this report (paper copies not attached, except Appendices (b) and (c) are:
- Babergh Core Strategy and Policies (2011-2031), incorporating the modifications agreed with (and subsequently recommended by) the Planning Inspector
  - Summary of main modifications (changes) necessary to incorporate in final document (from Inspector's report) (Appendix (b))
  - Summary analysis of final stage Inspector's consultation stage responses (Appendix (c))
  - The Inspector's Report
  - The Sustainability Appraisal and related Reports
  - The Adoption Statement

#### 2. Recommendations to Council

- 2.1 That the Inspector's Report be accepted and the Babergh Core Strategy and Policies (2011-2031) be adopted, as per the conclusions of the Inspector's Report, incorporating the proposed changes required for soundness (Main Modifications).
- 2.2 That this new Plan document be introduced and implemented for all operational planning purposes (including determining planning applications) with immediate effect following the Council decision on 25 February 2014.

The Committee is asked to make the above recommendations to the meeting of the Council on 25 February 2014

<sup>1</sup> In line with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012

### 3. Financial Implications

- 3.1 A range of measures is being taken to reduce or eliminate costs (such as removing commitments to traditional forms of public notices / advertisements about Plan documents in newspapers and substantial costs arising from these). Other financial implications include those from the benefit of potentially less planning appeals arising and likely financial implications arising from operating the Core Strategy (CS) (in the form of New Homes Bonus generation and local business rates retention).

### 4. Risk Management

- 4.1 This report is not directly linked with any one of the Council's Corporate / Significant business risks. Key risks are set out below:

| Risk Description  | Likelihood   | Impact  | Mitigation Measures   |
|---|--------------|---------|---|
| Failure to put in place an up-to-date, NPPF <sup>2</sup> compliant, local planning policy framework (an important feature of which is ensuring a 5-year supply of housing land and the likely consequences of not doing so) | 2 (Unlikely) | 3 (Bad) | Adopt Core Strategy document. Proceed with other required elements of planning policy framework |

### 5. Consultations

- 5.1 The Core Strategy document has been through the requisite statutory stages of consultation and independent external examination (with its own consultative and engagement provisions) plus substantial consultation beyond these. Detail on this has been provided in a number of previous Strategy Committee reports, with consultation processes guided by Babergh's adopted Statement of Community Involvement (2006). A substantial consultation statement was collated and made available to all prior to the examination stage<sup>3</sup>. These and other sources have related some areas of controversy, such as that arising in response to strategic developments and other growth related issues (such as scale / form of growth and distribution).

<sup>2</sup> National Planning Policy Framework

<sup>3</sup> See: <http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/CoreStrategy/2012-Prop-Mods/ConsultSept2012.pdf>

- 5.2 A final round of public consultations and engagement was carried out for the current changes (modifications). It must be stressed that this latter consultation round was at the Planning Inspector's behest, with all responses passed directly to him (with the Council just providing the secretariat service). The Council did, however, make all these responses available to all to view on its website, as soon as that was possible. The purpose of this exercise was accordingly to inform the Inspector's final report findings and conclusions. This occurred from May to July 2013, resulting in a substantial level of representations, most of which expressed opposition to the changes concerning the Brantham regeneration proposals.
- 5.3 This, among other considerations, prompted the further examination hearing in late September specifically on that issue. The hearing session provided a dedicated forum at which the issues involved and range of views could be aired and debated in public. The Brantham changes, in this way, received a substantial level of 'airtime' through the examination process. An overview of all these final consultation stage responses is provided for convenience only at Appendix (c).

## **6. Equality Analysis**

- 6.1 This was completed in advance of the examination process, in line with legal requirements and the analysis identified no discriminatory impacts upon the identified sections of the community with protected characteristics.

## **7. Shared Service / Partnership Implications**

- 7.1 Mid Suffolk District Council has its own recently adopted Core Strategy (and Stowmarket Area Plan), together providing a comparable level of Plan coverage for Mid Suffolk. Agreement to the planning service integration and single service design concept (including single / joint new Plan documents) was only obtained recently in November 2013. Subsequent planning documents are accordingly now anticipated to either be co-ordinated, aligned very closely or prepared jointly. The emphasis will now turn to aligning planning policy and practise across both authorities to meet the transformation agenda, deliver the best possible quality of service for customers and the community in general and to deliver in practise, the Councils' agreed visions and strategic priorities.
- 7.2 In addition, Babergh has satisfied the new *Duty to Co-operate* on strategic planning matters (in preparing this Core Strategy - CS). Joint or co-ordinated planning activity is well underway with other local authorities and other relevant organizations. A prime example is the Ipswich Policy Area Board and work associated with that (Paper N101 agreed by this Committee on 16/01/2014 refers).

## 8. Key Information

- 8.1 This report is integral to delivering Babergh's overall vision and strategic priorities (updated for 2013-14). In particular the objectives under priorities 1 (the Economy and Environment) and 2 (Housing) relate closely to what the CS seeks to achieve. Members will be very familiar with these but they are accessible via the following link for external readers of this report:  
<http://www.babergh.gov.uk/assets/Uploads-BDC/BDC-strat-priorities-2013-14-v1.1.pdf>
- 8.2 Work began in earnest on this CS with publication of the initial *Issues and Options report* (early 2009). Since then a number of major planning changes have occurred (scrapping of Structure Plans and Regional Plans; introduction of Localism Act and National Planning Policy Framework, etc.). In response a series of changes to the draft CS was developed carefully and agreed during its preparation and refinement.
- 8.3 The final preparation stage was that of external testing through independent examination (by the Planning Inspectorate), with this enduring between November 2012 and January 2014. This culminated in the CS being found sound (fit for purpose) subject to incorporating a series of changes (main modifications) required to ensure soundness, as confirmed by the Inspector's report in January 2014<sup>4</sup>. These changes are summarised at Appendix (b). These modifications and their effects are considered to be acceptable and not to cause harm to what the CS aims to achieve. The Inspector's report confirms that the CS (as modified) provides an appropriate basis for the planning of the District over the next 20 years.
- 8.4 The Strategy paper (approved also by Council) recommending submission of the draft CS for external examination contained an agreed recommendation that the Council would request of the appointed Inspector that he was to propose such changes as he saw fit in order to render the CS sound (see Appendix (b)). The consequence of not pursuing these changes is thus that the Council would be likely to be adopting a Plan document that is in some way deficient and in likelihood unsound. That said, officers have reviewed the Inspector's report very carefully and support its outcomes. It is accordingly recommended that the Inspector's report be accepted and the Core Strategy document accordingly be adopted.

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<sup>4</sup> A series of minor modifications will also be incorporated, these being of no consequence other than to correct minor typographical type errors

## Relationship with Other Existing Plans / Policies

- 8.5 Of particular importance is the fact that the CS, as now completed, should be considered both up-to-date and compliant with the NPPF. It has also been founded on a comprehensive and good quality evidence base. Relatively few local authorities yet have the benefit of this position. The CS is also considered to bring Babergh's 5-year housing land supply back into a positive position. Up-to-date data on this are monitored and reviewed regularly, together with plans for increasing the frequency of publishing this important information (for both Districts through combined statements).
- 8.6 The other general but instructive point to make in this regard is that the CS upon adoption, will supersede and replace specific elements of the adopted Babergh Local Plan of 2006. Appendix 1 of the CS document lists those Local Plan (2006) policies now rendered defunct and replaced by the CS. This means immediate changes for determining planning applications and for decisions of Planning Committee (the next meeting of which is on 5 February 2014.)

## Relationship with Other Reports, Initiatives and Direction for the Future

- 8.7 Members will be aware of the ensuing report on this meeting agenda (Paper N109) which has been prepared and presented to implement the new CS policies and approach for affordable homes requirements. This helps illustrate emerging thinking and initiatives to develop, apply, support and refine planning policy related documents and work in a very different way in future. Whilst supplementary planning documents in themselves are not a new idea of course, an increasing emphasis is turning to how planning policy will be rolled out, publicised and implemented practically and more effectively in future. An example is that of extricating some possible plan content from Development Plans themselves into other supportive documents that are quicker to produce (and refine after testing in practise), providing required detail (such as that on interpretation) where necessary. It is also expected that the volume of main planning policy documents will decrease considerably and policies will be written, set out and explained in new, more user-friendly ways.
- 8.8 Paper N109 also on this meeting agenda, helps introduce for Members the next steps proposed. Proposals are being mooted for a purpose-built, new, joint, task and finish Member group for this area of the Councils' activities. In particular, this will consider proposals for what new planning documents to produce next and a wider planning policy work programme. As an important part of that, the new group will also review principles and approaches for Member involvement.
- 8.9 In respect of the terminology used, further planning system changes (2012) indicate that *Local Development Frameworks* should now be called *Local Plans* (thus reverting to their former name). These may comprise either a single document or a suite of more documents. This change is being reflected in that this CS will form the first element, that is Part 1, of the new, overall Babergh Local Plan.

8.10 In accordance with the (2012) Regulations, the Council must make available the adopted CS document (with its new illustrative Key Diagram), an adoption statement and the Sustainability Appraisal Report. These documents are accessible via this report, together with the Inspector's Report (see Appendices / weblinks below).

## 9. Appendices

| Title  | Location   |
|--|--|
| (a) Babergh Core Strategy and Policies (2011-2031) | Printed copies available in Members' Group Rooms. Also weblink:<br><a href="http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/">http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/</a> |
| (b) Summary of changes (Main Modifications)        | Attached   |
| (c) Summary of consultation responses to above     | Attached   |
| (d) Inspector's Report                             | Members' Group Rooms. Also weblink:<br><a href="http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/CoreStrategy/LPInspectorsReportJan14.pdf">http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/CoreStrategy/LPInspectorsReportJan14.pdf</a>   |
| (e) Sustainability Appraisal Reports               | Please refer to weblink for the full suite of applicable documents (see section D):<br><a href="http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/EIP/CoreDocListv12.pdf">http://www.babergh.gov.uk/assets/Uploads-BDC/Economy/Strategic-Planning-Policy/LDF/EIP/CoreDocListv12.pdf</a>                                 |
| (f) Adoption Statement                             | Weblink:<br><a href="http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/">http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/</a>  |

## **10. Background Documents**

10.1 None.

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**Extract of Non-Technical Summary from final Inspector's Report (14/01/2014)**

Non-Technical Summary

This report concludes that the Babergh Local Plan 2011-2031, Part 1 – Core Strategy provides an appropriate basis for the planning of the District providing a number of modifications are made. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The key modifications can be summarised as follows:

- Removing references to the former Regional Strategy
- Clarification of the approach to Core and Hinterland Villages
- Clarification on Land Allocation Numbers
- Providing an element of flexibility in relation to allocations at Chilton Woods, Sproughton and Hadleigh
- Clarification of the approach towards retail development in Hadleigh town centre
- Provision of additional off-site highway mitigation at the Sproughton site
- Allowing for the possibility (subject to viability evidence) of additional greenfield housing development adjacent to the Brantham site
- Clarification of renewable energy policy
- Inclusion of additional text to support the approach towards gypsy and travellers, in line with national policy
- Additional emphasis on viability in relation to affordable housing policy

All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. They do not alter the thrust of the Council's overall strategy.



**Further Modifications - Further Representations Summary:**

Number of Respondents: 96 (with one of these including a list of 334 names that submitted an identical representation)

The respondents can be broken down into the following categories (numbers that responded to the further main modifications):

Members of the Public: 65 (with one of these including a list of 334 names that submitted an identical representation)

Town and Parish Councils: 14 (Assington, Chilton, Bures, East Bergholt, Great Cornard, Great Waldingfield, Newton, Polstead, Sproughton, Stoke by Nayland, Sudbury, Long Melford, Brantham, Glemsford) No comments/ supports were submitted by Assington PC, Great Waldingfield PC, Newton PC, Polstead PC.

Statutory Organisations: 9  
Developers/ Agents: 5  
Local Groups: 3

Of the total of 96 responses 14 were supportive of the changes or had no comments regarding the changes. The remainder of the responses (82) objected to the changes. The main issues raised during the consultation related to the following: By far the majority of the respondents objected to the Brantham change (64 respondents + list of 334 names with identical response) (Includes Brantham PC objection).

Other objections broadly relate to the following:

- Too much flexibility provided in the Chilton Woods Policy with regards to housing and employment numbers and community facilities (Chilton PC, Sudbury TC, Long Melford PC, 1 member of public);
- the classification (as either 'Core' or 'Hinterland' villages) of East Bergholt, Bures St Mary and Brantham in Policy CS6 (Bures St Mary PC, East Bergholt, 1 local group);
- the deletion of the undeveloped part of the 2006 Local Plan Wherstead Park employment land allocation (2 objections from agents);
- additional wording required in the sugar beet site allocation with regard to traffic management and other objections indicating that the policy is too flexible (Sproughton PC, 1 member of public);
- some objections indicating that CS6 is too rigid and other indicating it is too flexible (1 agent, Bures St Mary PC, East Bergholt PC, 1 member of public, 1 local group);
- the standards required in CS7 are too ambitious (1 objection from agent);

- the broad / unspecified locational nature of the direction of growth East of Sudbury (Great Cornard PC);
- more restrictive criteria should be developed for areas located within the AONB and higher design standards required (Stoke by Nayland PC, 2 local groups) .

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