



AGENDA

COUNCIL MEETING

TUESDAY, 21ST NOVEMBER 2023 – 5.30 PM

Members of the Council are summoned to a meeting of the Babergh District Council at King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Tuesday, 21st November, 2023 at 5.30 pm.

For those wishing to attend, there will be time for reflections 5 minutes prior to the commencement of the Council meeting.

Arthur Charvonja
Chief Executive



BABERGH COUNCIL	
DATE:	TUESDAY, 21 NOVEMBER 2023 5.30 PM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person, you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

**PART 1
MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

1 APOLOGIES FOR ABSENCE

To receive apologies for absence.

2 DECLARATION OF INTERESTS BY COUNCILLORS

3 BC/23/25 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 24 OCTOBER 2023 7 - 14

4 BC/23/26 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER 15 - 16

In addition to any announcements made at the meeting, please see Paper BC/23/26 attached, detailing events attended by the Chairman and Vice-Chairman.

5 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

In accordance with Council Procedure Rule 11, The Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.

6 **QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

The Chairman of the Council to answer any questions by the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule No. 12.

7 **QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

The Chairman of the Council, Chairs of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule 13.

8 **BC/23/27 BABERGH AND MID SUFFOLK JOINT LOCAL DEVELOPMENT SCHEME 2023-2026** 17 - 20

Cabinet Member for Planning

9 **BC/23/28 BABERGH AND MID SUFFOLK JOINT LOCAL PLAN FOR ADOPTION** 21 - 30

Cabinet Member for Planning

10 **COUNCILLOR APPOINTMENTS**

11 **MOTIONS ON NOTICE**

Date and Time of next meeting

The next meeting is scheduled for Tuesday, 19 December 2023 at 5.30 pm – provisional.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils YouTube page:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296472 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH COUNCIL** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Tuesday, 24 October 2023

PRESENT:

Councillor: Elisabeth Malvisi (Chairman)

Councillors:	Peter K Beer	David Busby
	Jane Carruthers	Jessie Carter
	Paul Clover	Helen Davies
	Sallie Davies	Derek Davis
	Kathryn Grandon	Ruth Hendry
	Bryn Hurren	Leigh Jamieson
	Alastair McCraw	Mary McLaren
	Mark Newman	John Nunn
	Alison Owen	Stephen Plumb
	Daniel Potter	Isabelle Reece
	Tim Register	Brian Riley
	Deborah Saw	Laura Smith
	John Ward	John Whyman

In attendance:

Officers: Chief Executive (AC)
Deputy Chief Executive (KN)
Interim Director – Law and Governance & Monitoring Officer (IA)
Director – Corporate Resources (ME)
Director – Operations (ME)
Corporate Manager – Governance and Civic Office (JR)
Corporate Manager – Communications and Engagement (BJ)

Apologies:

Councillor(s) Simon Dowling (Vice-Chair)
Michael Holt
Margaret Maybury
Adrian Osborne
Lee Parker

49 DECLARATION OF INTERESTS BY COUNCILLORS

- 49.1 Councillor Beer declared an other registerable interest in item BC/23/21 as an elected Member of Sudbury Town Council.

50 BC/23/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2023

- 50.1 Councillor Reece requested an amendment to point 47.1 as she had not left the meeting at the time specified with the rest of her party.
- 50.2 The Corporate Manager for Governance and Civic Office confirmed that this amendment would be made to the minutes.
- 50.3 Councillor Owen **PROPOSED** that the minutes of the meeting be confirmed and signed as a true record with the agreed amendment which was **SECONDED** by Councillor Hurren.

It was RESOLVED:

That the amended minutes of the meeting held on 19 September 2023 be confirmed and signed as a true record.

51 BC/23/19 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

- 51.1 The Chair referred Councillors to Paper BC/23/19 for noting.
- 51.2 The Chair expressed her disappointment at the lack of attendance from fellow Babergh Councillors at the Charity Funding Fair in Sudbury on 6th October, and gave special thanks and well wishes to Ifty Ali, the Interim Monitoring Officer, on behalf of Babergh Council for all his work and support ahead of his upcoming retirement.
- 51.3 The Chair invited the Acting Leader of the Council to make his announcements.
- 51.4 Councillor Ward made the following announcements:

The weekend's floods hit a number of our communities badly, and it has been a deeply distressing time for many residents and businesses, who have seen property damaged and lives disrupted. A clean-up is now well under way, and I know we will all continue to do what we can to support residents, businesses, and communities during this recovery period.

Additional council staff have been deployed in the worst affected areas to assist with the clean-up – areas like Hadleigh, Long Melford and parts of the Dedham Vale. I spoke to one of our public realm team just outside Hadleigh on Saturday morning while visiting my parishes along the Brett and Stour. I want to say a huge thank you to everyone who was there for our communities at the weekend:

- To our emergency services.
- To the council staff who have worked tirelessly.
- To our town and parish councils, who did such a great job.
- To the local volunteers who helped their neighbours, family and friends.

- And to you, our councillors – I know many of you have been doing outstanding work, identifying issues in your communities during the most critical times and taking action. I do want to make a special mention for Cllrs Malvisi and Nunn who, along with others, were very active in Long Melford on Friday night when Chad Brook burst its banks and flooded several premises. You really made a difference, so thank you both.

It was a difficult weekend, there is still a lot of clean-up work to do, but we should recognise this fantastic show of community spirit.

Along with the Chairman and Councillors Carter and Reece, I was invited to attend the official opening of the new Hastoe Housing development in Stoke-by-Nayland on 29th September. This development of 8 homes on land that was part of the former middle school site has been named in honour of Margaret Underwood who lived her whole life in the village and dedicated her 50-year career to educating children in and around Stoke by Nayland.

The houses have been built to Hastoe's New-Build Standard and we could all see that this has delivered high quality and energy efficient homes for those with connections to the village.

The Befriending Scheme is a charity based in Sudbury that supports people with learning disabilities and mild mental health conditions. It provides friendship and learning opportunities and runs a community farm called the Red Rose Community Farm, that moved earlier this year from Assington to a new, bigger site in Lindsey Tye. Babergh provided £100k of CIL, approved by Cabinet last November, to help with this and I was delighted to be invited to their open afternoon on 30th September. They have achieved a huge amount in less than a year to get the farm up and running with workshops, a café, polytunnels and accommodation for a range of animals.

I would like to remind everyone that there is still time for people to have their say on the council's future direction and priorities. We have outlined the administration's draft priorities, but we made a commitment to getting feedback from the community – are these priorities right, what else could we do, what have we missed? The survey will be live until the 15th November, and details can be found on our website. I'd encourage all councillors to share this with their networks. Posters and postcards have also been created which you can share in your communities.

We're pleased to have partnered with Groundwork East to deliver free and impartial expert advice to help businesses and organisations save energy, reduce their emissions, and establish tailored decarbonisation plans. This new Net Zero Business Advice Service will provide free support to help businesses, the voluntary sector and other organisations understand their greenhouse gas emissions, set a plan to reduce these and access grant funding to implement carbon reduction actions.

More information about the Net Zero Business Advisor can be found on our website.

Finally, we have also joined forces with Suffolk's other district and borough councils to deliver a ground-breaking project to improve life for landlords and tenants in the private rented sector.

'Safe Suffolk Renters' is designed to create a better understanding of the pressures and problems in the sector, and to improve standards – particularly in the worst private rented homes in the area. To achieve this, the project team will consult widely with tenants, landlords and stakeholders in the county. A conference taking place at the University of Suffolk in Ipswich on 3rd November is free for any landlord to attend. Details are also available on our website. Similar conferences for tenants and stakeholders will follow.

52 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

52.1 None received.

53 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

53.1 None received.

54 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

54.1 None received.

55 BC/23/20 OVERVIEW AND SCRUTINY COMMITTEE REPORT

55.1 The Chair invited Councillor McLaren, Chair of the Overview and Scrutiny Committee, to introduce Paper BC/23/20.

55.2 Councillor McLaren introduced the report to Councillors explaining its purpose and commented that this report was for noting only.

55.3 Councillor Riley queried the reason why recommendation 1.3. for item JOS/23/02 as detailed in the committee action tracker in Appendix B had not yet been brought back before the Overview and Scrutiny Committee as requested. Councillor McLaren responded that a timescale for bringing this issue back to Committee would be devised with the Lead Officer for Overview and Scrutiny outside of the meeting.

55.4 Councillor S. Davies asked if the Overview and Scrutiny Committee was satisfied by the level of cost of living support being provided to residents in rural areas or those without internet access. Councillor McLaren responded that the committee was satisfied that appropriate care and support was being provided to all communities and praised officers involved in co-ordinating this support.

55.5 Councillor McCraw commented that all Members could attend a meeting of the Overview and Scrutiny Committee and highlighted that questions from both Members and the public could be submitted to the Chair for answering at such meetings.

55.6 Councillor Riley raised an issue that the Overview and Scrutiny Committee had refused to receive an update on the development at Corks Lane due to it not being the appropriate body to consider this. Councillor McLaren reminded Councillor Riley that he was both a member of the Overview and Scrutiny Committee and Babergh Growth, the board that oversees the development of Corks Lane, and that he had been previously advised this matter would be dealt with at the Babergh Overview and Scrutiny Committee in November.

55.7 The report was noted.

56 BC/23/21 COMMUNITY GOVERNANCE REVIEWS 2022/23

56.1 The Chair invited the Interim Monitoring Officer to introduce Paper BC/23/21.

56.2 The Interim Monitoring Officer introduced the report to Councillors explaining its purpose and asked for a proposer and a seconder.

56.3 Councillor McCraw **PROPOSED** the recommendations which were **SECONDED** by Councillor Busby.

56.4 Councillor McCraw asked if Sudbury Town Council would be able to co-opt a parish councillor currently representing Sudbury South into the Sudbury South West ward. The Interim Monitoring Officer responded that this was an option but the existing Member would have to officially step down from their current position first.

56.5 Councillor Register questioned whether the amalgamation of smaller wards in Sudbury had been considered by the working group. The Interim Monitoring Officer responded that amalgamation was considered under the original submission but that any changes would result in a change to the county and ward boundaries and the existing electoral arrangements so were dismissed.

By a unanimous vote,

It was RESOLVED:

- 1. That the draft recommendations as set out in Appendix A of the report be approved.**
- 2. That the Monitoring Officer be authorised to complete the CGR process and any required Orders.**

57 BC/23/22 CHANGES TO THE CONSTITUTION

57.1 The Chair invited the Interim Monitoring Officer to introduce Paper BC/23/22.

57.2 The Interim Monitoring Officer introduced the report to Councillors explaining its purpose and asked for a proposer and a seconder.

- 57.3 Councillor Ward **PROPOSED** the recommendations and made the following amendment: that the word 'full' be removed from paragraph 4.2 of the report so that it reads 'That the Overview and Scrutiny Committee Chair is not appointed from the administration group unless there is a coalition administration or standing in for the Chair'.
- 57.4 Councillor Saw **SECONDED** the amended recommendations.
- 57.5 Councillor Riley questioned whether provisions were being made to scrutinise contract standing orders and hold contractors to account. The Chief Executive responded that details on the performance management of contracts are set out in 13.1, 13.2, and 13.3 of Appendix B: Part 3 – Contract Standing Orders.
- 57.6 Councillor Reece asked if the current language used in the constitution was not compliant with equality legislation. The Interim Monitoring Officer responded that the current constitution was compliant with equality legislation but that the proposed changes to language and descriptors would make the document more inclusive to all.
- 57.7 Councillor McCraw commented that the proposed change in language would also improve the readability of the constitution.
- 57.8 Councillor Hurren queried what the term liquidated damages meant. The Interim Monitoring Officer responded that this was an option available to the Council in the instance of a contract breach where the Council can request finances from the original contractors to complete specified work with another supplier.
- 57.9 The Interim Monitoring Officer clarified for Members that the language changes proposed regarding the role of the Chair were specifically for the Council's documents with the aim of improving their inclusivity and did not preclude any Member from requesting to be addressed by another term.
- 57.10 Councillor Jamieson questioned why bids of up to £150k in the standard procurement scheme of delegations were not put out to tender. The Interim Monitoring Officer responded that these did not go out to tender due to not being classed as key decisions.

By a unanimous vote,

It was RESOLVED:

- 1. That Council approves the Schedule of amendments to the Constitution at Appendix A of the report and the inclusion of the reviewed Contract Standing Orders at Appendix B of the report along with the proposed amendment.**
- 2. That the Monitoring Officer makes all consequential changes to the Constitution to give effect to the decision of the Council to amend the Constitution.**

58 BC/23/23 DRAFT TIMETABLE OF MEETINGS 2024/25

58.1 The Chair invited Councillor Ward to introduce Paper BC/23/23.

58.2 Councillor Ward introduced the report and **PROPOSED** the recommendations.

58.3 Councillor Saw **SECONDED** the proposal.

By a unanimous vote,

It was RESOLVED:

- 1. That the draft Committee Timetable for 2024/25, attached as Appendix A of the report, be approved.**
- 2. That the Chief Executive calls the meetings in accordance with the agreed Timetable unless there is insufficient business for the meeting to go ahead.**

59 BC/23/24 APPOINTMENT OF INTERIM MONITORING OFFICER

59.1 The Chair invited the Chief Executive to introduce Paper BC/23/24.

59.2 The Chief Executive introduced the report to Councillors and asked for a proposer and a seconder.

59.3 Councillor Davis **PROPOSED** the recommendation which was **SECONDED** by Councillor McLaren.

By a unanimous vote,

It was RESOLVED:

That Janice Robinson, Corporate Manager for Governance and Civic Office, be appointed as the Council's Interim Monitoring Officer from 31st October 2023.

60 COUNCILLOR APPOINTMENTS

60.1 Councillor Ward **PROPOSED** that Councillor Malvisi be appointed as Mental Health Member Champion.

60.2 Councillor Hurren **SECONDED** the proposal.

By a unanimous show of hands vote,

It was RESOLVED:

That Councillor Malvisi be appointed as Mental Health Member Champion.

61 MOTIONS ON NOTICE

61.1 None received.

The business of the meeting was concluded at 6.30 pm.

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Chair

BABERGH DISTRICT COUNCIL - 21 NOVEMBER 2023

CHAIRMAN'S ANNOUNCEMENTS

EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
OCTOBER 2023				
Restitute Conference - Falling Through the Cracks	Kings Centre, Norwich	19-Oct	✓	
NOVEMBER 2023				
Re-opening of St Peter's Church, Sudbury	St Peter's Church, Sudbury	01-Nov	✓	
Suffolk Violence & Abuse Partnership	Teams	08-Nov	✓	
Rose Garden Remembrance Service, Abbey Gardens	Abbey Gardens, Bury St Edmunds	11-Nov	✓	
Long Melford Remembrance Parade and Service	Holy Trinity Church, Long Melford	12-Nov	✓	
Sudbury Remembrance Parade and Service	St Gregory's Church, Sudbury	12-Nov	✓	
Great Cornard Remembrance Parade and Service	St Andrew's Church, Gt Cornard	12-Nov		✓
Hadleigh Remembrance Parade and Service	Royal British Legion and St Mary's Church, Hadleigh	12-Nov		✓

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Agenda Item 8

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC Council BDC Council	REPORT NUMBER: BC/23/27
FROM: Cabinet Member For Heritage, Planning And Infrastructure (Mid Suffolk) Cabinet Member For Planning (Babergh)	DATE: 20 November 2023 - MSDC 21 November 2023 - BDC
OFFICER: Tom Barker, Director for Planning and Building Control	KEY DECISION REF NO. N/A

BABERGH AND MID SUFFOLK JOINT LOCAL DEVELOPMENT SCHEME 2023-2026

1. PURPOSE OF REPORT

- 1.1 To approve the Babergh and Mid Suffolk Joint Local Development Scheme (November 2023).
- 1.2 The Councils are legally required to prepare and maintain a Local Development Scheme (LDS), which is the local planning authority's work programme for the preparation of development plan documents.
- 1.3 Following the completion of the examination on the Babergh and Mid Suffolk Joint Local Plan, a review of the LDS is necessary to bring up-to-date the current timetable for the preparation of the Joint Local Plan Part 1 and Part 2 Development Plan Documents (DPD). The LDS sets out the stages and timescales for the preparation of these documents. It is also necessary to review the LDS to be able to adopt the Joint Local Plan Part 1.
- 1.4 In addition, the LDS revises the timetable for the preparation of revised Babergh and Mid Suffolk Community Infrastructure Levy (CIL) Charging Schedules and nine supplementary planning documents (SPD). An additional SPD is introduced on Air Quality to provide further guidance and detail for assessing air quality impacts on sensitive environmental receptors.

2. OPTIONS CONSIDERED

- 2.1 To adopt a revised LDS, which would enable the Councils to provide clarity on current anticipated timescales for the preparation of planning documents and is necessary to be able to adopt the Joint Local Plan Part 1.
- 2.2 To not adopt a revised LDS would mean that the Councils would be unable to adopt the Joint Local Plan Part 1. The Councils have a statutory duty to produce a Local Plan and to adopt one by December 2023.

<p>3. RECOMMENDATION</p> <p>3.1 That the Babergh and Mid Suffolk Joint Local Development Scheme 2023-2026 (November 2023) (Appendix A) is agreed and brought into effect from 20th November 2023 in Mid Suffolk and 21st November 2023 in Babergh.</p>
<p>REASON FOR DECISION</p> <p>To bring the timetable for the adoption of the Joint Local Plan 1, the preparation of the Joint Local Plan Part 2, the review of the CIL Charging Schedules and the preparation of Supplementary Planning Documents up-to-date.</p>

4. KEY INFORMATION

- 4.1 The existing LDS was published in October 2022. It is necessary to bring the LDS up-to-date to reflect the conclusion of the Joint Local Plan examination and to bring up-to-date the current timetable.
- 4.2 The draft LDS (Appendix A) details the progress made on the Joint Local Plan Part 1 to the conclusion of the examination and proposed adoption. The Joint Local Plan Part 1 sets out the vision and objectives for development in Babergh and Mid Suffolk Districts and contains a set of strategic and local policies to guide development in the period to 2037.
- 4.3 The Joint Local Plan Part 2 follows the Part 1 document and evidence gathering is currently being undertaken. An initial Issues and Options stage is programmed for Spring 2024.
- 4.4 An additional SPD is introduced on Air Quality to provide further guidance and detail for assessing air quality impacts on sensitive environmental receptors. An updated programme for the other nine SPDs is also set out, together with the revisions to the CIL Charging Schedules for each District.

5. LINKS TO CORPORATE PLAN

- 5.1 The LDS sets out the preparation for the Joint Local Plan documents, SPDs, CIL Charging Schedules and Neighbourhood Plans within the two Districts, which enable the Councils to fulfil their corporate priorities in terms of housing, the economy, the environment, communities and wellbeing.

6. FINANCIAL IMPLICATIONS

- 6.1 There is an annual budget to support costs associated with the preparation of the Joint Local Plan and the CIL Charging Schedules, together with associated Examination costs and legal expenses. The budget also supports the preparation of SPDs and supporting Neighbourhood Plans.

7. LEGAL IMPLICATIONS

- 7.1 In accordance with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), the LDS must be revised at such times as the Local Planning Authority thinks appropriate or at the direction of the Secretary of State.

To bring the LDS into effect, the Local Planning Authority must resolve that the scheme to have effect, and in the resolution, specify the date from which the scheme is to have effect.

- 7.2 The Planning and Compulsory Purchase Act 2004 (as amended) also requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the procedures to be followed in the preparation of Local Plans.
- 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.
- 7.4 The 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 SPDs are prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7.6 The CIL Charging Schedule is defined by section 211(1) of the Planning Act 2008. The preparation of a CIL Charging Schedule is undertaken in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference
Legal requirement to have an up-to-date published LDS when adopting a Local Plan. The consequence of not having one would mean the Joint Local Plan Part 1 would not be able to be adopted.	2	4	Produce an updated Local Development Scheme on adoption.	Strategic Planning – 005

9. CONSULTATIONS

9.1 There are no statutory requirements for public consultation as part of the preparation of an LDS.

10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment (EIA) is not required. This is undertaken for the Joint Local Plan.

11. ENVIRONMENTAL IMPLICATIONS

11.1 The Joint Local Plan is accompanied by a Strategic Environmental Assessment incorporating a Sustainability Appraisal document. An Appropriate Assessment also accompanies the Joint Local Plan as required by a Habitats Regulations Assessment to identify the impact of the Plan on Protected Habitats and appropriate mitigation.

11.2 SPDs identified cover a number of topics relating to the environment.

12. APPENDICES

Title	Location
(a) Draft Babergh and Mid Suffolk Joint Local Development Scheme 2023-2026 (November 2023).	Appendix A (Babergh) Appendix A (Mid Suffolk)

13. BACKGROUND DOCUMENTS

13.1 Babergh and Mid Suffolk Joint Local Development Scheme (October 2022).

[Joint Local Development Scheme 2022-2025 \(Babergh\)](#)

[Joint Local Development Scheme 2022-2025 \(Mid Suffolk\)](#)

14. REPORT AUTHORS

Robert Hobbs, Corporate Manager – Strategic Planning

Agenda Item 9

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC Council BDC Council	REPORT NUMBER: BC/23/28
FROM: Cabinet Member For Heritage, Planning And Infrastructure (Mid Suffolk) Cabinet Member For Planning (Babergh)	DATE: 20 November 2023 - MSDC 21 November 2023 - BDC
OFFICER: Tom Barker, Director for Planning and Building Control	KEY DECISION REF NO. N/A

BABERGH AND MID SUFFOLK JOINT LOCAL PLAN FOR ADOPTION

1. PURPOSE OF REPORT

- 1.1 To formally adopt Babergh and Mid Suffolk District Councils' Joint Local Plan Part 1 Development Plan Document (DPD), hereinafter referred to as the 'Joint Local Plan Part 1' and the 'Plan Part 1', to become part of Babergh and Mid Suffolk's Development Plan.
- 1.2 The Joint Local Plan was submitted to the then Secretary of State for Housing, Communities and Local Government on 31st March 2021 for independent examination. Planning Inspectors Malcolm Rivett BA(Hons) MSc MRTPI and Alison Partington BA(Hons) MA MRTPI were appointed by the Secretary of State to hold the independent examination, with hearing sessions taking place on 21st June, between 22nd September and 21st October 2021 and between 26th and 28th June 2023.
- 1.3 The Inspectors completed the examination by issuing a report dated 19th September 2023, which concluded that the Babergh and Mid Suffolk Joint Local Plan provides an appropriate basis for the planning of the Districts, provided that a number of Main Modifications (MMs) are made to it. The Councils specifically requested that the Inspectors recommend any MMs necessary to enable the Plan to be adopted.
- 1.4 The Plan sets out a planning framework to guide development and facilitate growth in Babergh and Mid Suffolk Districts over the period to 2037. It provides a set of strategic and local development management policies, which will be used to inform decisions on planning applications and appeals.
- 1.5 In addition to the MMs are a number of Additional Modifications (AMs) that are necessary to correct typographical or minor factual errors and changes to the Plan's supporting text consequential to the MMs.
- 1.6 The Councils commissioned an independent Sustainability Appraisal (SA) of the Joint Local Plan and an SA adoption statement is appended to this report.
- 1.7 Approval is sought to formally adopt the Plan Part 1 to become an up-to-date part of the Development Plan for Babergh and Mid Suffolk. Upon adoption, the majority of policies in existing Local Plan documents will be superseded, and consequentially a number of supplementary planning documents and supplementary guidance documents are revoked. These documents are detailed in paragraph 4.16.

2. OPTIONS CONSIDERED

- 2.1 Option 1 is to approve the Babergh and Mid Suffolk Joint Local Plan Part 1 DPD for adoption to become part of Babergh and Mid Suffolk's Development Plan. This will bring District-wide strategic and local development management policies up-to-date in accordance with national planning policy.
- 2.2 Option 2 is not approving the above. This is not recommended. The Councils have a statutory duty to produce a Local Plan and to adopt one by December 2023. Not adopting the Plan Part 1 would result in reliance on ageing District-wide policies, alongside more up-to-date Neighbourhood Plan and Minerals and Waste Local Plan policies. This would result in planning decisions continuing to be made in the absence of up-to-date Local Plan policies. Not adopting the Plan Part 1 would also mean that the Councils are unable to progress with the Plan Part 2.

3. RECOMMENDATION
3.1 That the Babergh and Mid Suffolk Joint Local Plan DPD (November 2023) (Appendix A) be approved for adoption under Regulation 26 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended).
REASON FOR DECISION
To ensure the Councils have up-to-date Local Plan policies for Babergh and Mid Suffolk that are consistent with national policy.

4. KEY INFORMATION

- 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 21st August to 10th 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 22nd July to 30th September 2019. The document contained preferred policies and sites deemed potentially suitable for development.
- 4.4 In November 2020 Councillors approved the Babergh and Mid Suffolk Joint Local Plan: Pre-Submission (Regulation 19) Document for publication, which underwent consultation on the legal compliance and soundness of the Plan from 12th November to 24th December 2020. The Plan was submitted to the then Secretary of State for Housing, Communities and Local Government on 31st March 2021 for examination, supported by an extensive evidence base.

- 4.5 Examination hearing sessions took place on 21st June 2021 and between 22nd September and 21st October 2021. The Inspectors then held an exploratory meeting on 16th December 2021 to discuss matters as set out in their letter dated 9th December 2021 ([Core Document Library \(CDL\) document G09](#)), and to agree a way forward to progress with the examination. The Inspectors proposed to make the submitted Plan a Part 1 Plan to be followed in due course by a Part 2 Plan.
- 4.6 The Inspectors noted that the vast majority of the Plan area's housing requirement is already provided for by existing dwelling completions, sites under construction, sites with full or outline planning permission, sites with a resolution to grant planning permission subject to a Section 106 Agreement, allocations in made Neighbourhood Plans, and a reasonable allowance for windfall dwellings. Consequently, the Councils are in the unusual situation of demonstrating a supply of developable housing land for the vast majority of the Plan's overall housing requirement figure, for some years to come, and are unlikely to be dependent on the allocation of the housing sites included in the submitted Plan.
- 4.7 Therefore, to enable the Plan to be found sound, the Inspectors proposed deleting the current housing site allocations from the Plan and retaining the settlement boundaries shown on the current Policies Map. Whilst the settlement boundaries are likely to require review and updating in due course, the Inspectors were satisfied for the short-medium term that they would enable the Districts' development needs to be met whilst recognising the intrinsic character of the countryside in accordance with the National Planning Policy Framework (NPPF).
- 4.8 Other modifications to the Plan that were considered likely to be necessary in December 2021 included in respect of the policies for Gypsies, Travellers and Travelling Showpeople and open space designations.
- 4.9 It was subsequently confirmed with the Inspectors to delete the policy on Moorings, Marinas and Houseboats, and to protect open spaces through a modified policy rather than by use of Policies Map designations.
- 4.10 In liaison with the Inspectors, the Councils prepared the resulting Modifications to the Plan, and these were subject to Sustainability Appraisal and Habitats Regulations Assessment.
- 4.11 In March 2023 a consultation on Proposed Modifications took place from 16th March to 3rd May 2023. The Modifications and changes comprised:
- i. Main Modifications (MMs) which, at that stage, the Inspectors considered were necessary for the Plan to be sound.
 - ii. Additional Modifications (AMs) which were proposed by the Councils, and which do not materially alter the policies of the Plan. They are mostly the correction of typographical or minor factual errors and changes to the Plan's supporting text consequential to the Main Modifications.
 - iii. Changes to the submission Policies Map to ensure that, as the geographical expression of the Plan's policies, the Plan is sound.

- 4.12 Responses received during the consultation to the Main Modifications, Policies Map, Sustainability Appraisal, and Habitats Regulations Assessment were provided to the Inspectors, and then considered at the further examination hearing sessions, which took place between 26th and 28th June 2023.
- 4.13 The Inspectors issued their final examination report on 19th September 2023, which recommended Main Modifications to make the Plan sound and capable of adoption. They concluded that the duty to cooperate has been met and that with the recommended Main Modifications set out in the Appendix to their examination report, the Babergh and Mid Suffolk Joint Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Planning and Compulsory Purchase Act and is sound.
- 4.14 The Main Modifications can be summarised as follows:
- Addressing the lack of robustness of the site allocation selection process and the spatial strategy by deleting the Plan's spatial strategy and site allocations, thereby making the Plan a Part 1 Plan, to be supported in due course by a Part 2 Plan;
 - Combining the various policies which address affordable housing and altering the affordable housing requirement in respect of housing development on brownfield sites;
 - Providing for a more positively-prepared approach to the determination of applications for sites for Gypsies, Travellers and Travelling Showpeople;
 - Amending and clarifying the employment policies so that they provide an effective framework for dealing with such developments;
 - Adding a new policy on Intensive Livestock and Poultry Farming to provide an effective framework for dealing with such developments;
 - Amending and clarifying Policy LP01 on windfall housing development;
 - Deleting Policy LP30 – Designation of Open Spaces; and
 - A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.
- 4.15 The Councils have considered the responses from the Modifications consultation to the Additional Modifications and in light of the final Main Modifications recommended, it is necessary to make these Additional Modifications upon adoption of the Babergh and Mid Suffolk Joint Local Plan Part 1. These have been incorporated into the final Joint Local Plan Part 1 DPD (November 2023) (Appendix A).
- 4.16 There are a number of supplementary planning documents (SPD) and supplementary guidance documents, which are to be revoked in accordance with Regulation 15 (2) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) upon adoption of the Joint Local Plan, as the relevant development plan policy is superseded. These are detailed below:
- Babergh: Rural Development and Core Strategy Policy CS11 SPD (2014)
 - Babergh: Affordable Housing SPD (2014)

- Babergh: Hamilton Road Quarter, Sudbury SPD (2010)
- Babergh: Safeguarding Employment Land SPD (2008)
- Mid Suffolk: Eye Airfield Position Statement (2013)
- Mid Suffolk: Retention of Shops, Post Offices and Public Houses SPG (2004)
- Mid Suffolk: A Cycling Strategy for Mid Suffolk SPG (1999)

4.17 The Councils maintain a 'live' list of policies from the Development Plan, and this is kept updated on the Council websites. This includes made Neighbourhood Plan policies. A 'live' Policies Map will also be published upon adoption of the Joint Local Plan Part 1 showing all relevant saved, Joint Local Plan, and Neighbourhood Plan spatial policy features. In addition, settlement maps where settlement boundaries exist, will be appended to the Joint Local Plan Part 1.

4.18 Evidence gathering is underway for the Babergh and Mid Suffolk Joint Local Plan Part 2 Development Plan Document, and an updated timetable for the production of this Plan is set out in a revised Joint Local Development Scheme 2023-2026.

4.19 As detailed in the Inspectors' Report, the Part 2 Plan is likely to include the following matters:

- Settlement hierarchy;
- A spatial distribution for any housing allocations insofar as necessary to provide flexibility to ensure plan period housing requirements can be met;
- Housing requirement figures for Neighbourhood Plan areas;
- Settlement boundaries;
- Open space designations;
- An assessment of Gypsy, Traveller and Travelling Showpeople needs, and if necessary, allocations to provide for these needs;
- An assessment of Houseboat Dwellers' needs, and a relevant development management policy for houseboat dwellers, moorings and marinas;
- If demonstrated by monitoring to be necessary, mitigation to address the adverse air quality effects of traffic on the integrity of Protected Habitats Sites; and
- Any other matters which are appropriately addressed in the Part 2 Plan in light of the monitoring of the Part 1 Plan and the circumstances at the time.

5. LINKS TO CORPORATE PLAN

5.1 The 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 Joint Local Plan reflects these themes by including them as objectives to be achieved (in part) through planning policies. In the particular, the Joint Local Plan will help Babergh and Mid Suffolk District Councils to achieve their priorities on:

- Housing: the Joint Local Plan identifies how many homes are needed, and supports the delivery of homes, including affordable housing provision.
- Economy: the 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 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, consideration of the effect of development on water supply, and contributions to addressing climate change. The Plan seeks to protect and enhance heritage assets and landscapes.
- Communities and Wellbeing: the Joint Local Plan supports strong and healthy communities by aiming to support and safeguard key services and facilities within the Districts. The Joint Local Plan provides the policy framework for the Community Infrastructure Levy and securing other infrastructure related 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 necessary infrastructure, and encouraging more sustainable and active 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 £100,000 a year for each Council 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, the cost of appointing the Programme Officer, and Examination costs.

7. LEGAL IMPLICATIONS

7.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the procedures to be followed in the preparation of Local Plans. The Babergh and Mid Suffolk Joint Local Plan Part 1 Development Plan Document (DPD) is being put forward for adoption under Regulation 26 of these Regulations.

7.2 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.

A Sustainability Appraisal has been published at every stage of the plan-making process and accompanies the Joint Local Plan Part 1.

- 7.3 The Joint Local Plan has been subject to a Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), at the different stages of the plan-making process and the final version was published in June 2023.
- 7.4 Under Section 110 of the Localism Act 2011, the Councils have a legal duty to cooperate with adjacent local planning authorities, statutory organisations and other relevant infrastructure providers. The Inspectors have concluded that the duty to cooperate has been met.
- 7.5 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.
- 7.6 A number of supplementary planning documents (SPD) and supplementary guidance documents are to be revoked in accordance with Regulation 15 (2) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) upon adoption of the Joint Local Plan, as the relevant development plan policy is superseded. This is detailed in paragraph 4.16 of this report.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference
Not having up-to-date policies in the Development Plan resulting in unplanned / inappropriate development and not meeting identified objectively assessed needs.	2	3	Adopt the Joint Local Plan Part 1 to provide clear up-to-date policies and direction to all involved with development, to meet identified objectively assessed needs.	Strategic Planning – 002

Legal requirement to have an up-to-date published LDS when adopting a Local Plan. The consequence of not having one would mean the Joint Local Plan Part 1 would not be able to be adopted.	2	4	Produce an updated Local Development Scheme on adoption.	Strategic Planning – 005
Being unable to progress with the Joint Local Plan Part 2. The consequence being that a full Local Plan Review would be required, which would need to take account of the likely changes proposed through the Government's Planning Reforms.	2	3	Adopt the Joint Local Plan Part 1.	Strategic Planning – 033

9. CONSULTATIONS

- 9.1 A public consultation was undertaken on the Joint Local Plan: Consultation Document (August 2017) between 21st August and 10th November 2017.
- 9.2 A public consultation was undertaken on the Joint Local Plan Preferred Options document (July 2019) between 22nd July and 30th September 2019.
- 9.3 The Joint Local Plan Pre-Submission (Regulation 19) Document was subject to a six-week period where representations were invited on the legal compliance and soundness of the Plan between 12th November and 24th 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.

- 9.4 A consultation statement was submitted to the Secretary of State along with the Draft Joint Local Plan and documentation for examination.
- 9.5 A consultation was undertaken on the Proposed Modifications to the Joint Local Plan between 16th March and 3rd May 2023.

10. EQUALITY ANALYSIS

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

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 As mentioned in paragraph 1.6 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 E.
- 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 F.

12. APPENDICES

Title	Location
(a) Babergh and Mid Suffolk Joint Local Plan Part 1 Development Plan Document	Appendix A (Babergh) Appendix B (Mid Suffolk)
(b) Inspectors' Report	Appendix B (Babergh) Appendix B (Mid Suffolk)
(c) Policies Map	Appendix C
(d) Draft Adoption Statements	Appendix D (Babergh) Appendix D (Mid Suffolk)
(e) (i) Babergh and Mid Suffolk Joint Local Plan Sustainability Appraisal (ii) Babergh and Mid Suffolk Joint Local Plan Part 1 Strategic Environmental Assessment Adoption Statement	Appendix E(i) (Babergh) Appendix E(i) (Mid Suffolk) Appendix E (ii) (Babergh) Appendix E (ii) (Mid Suffolk)
(f) Babergh and Mid Suffolk Joint Local Plan Part 1 Habitats Regulations Assessment including Appropriate Assessment	Appendix F (Babergh) Appendix F (Mid Suffolk)
(g) Schedule of Additional Modifications	Appendix G (Babergh) Appendix G (Mid Suffolk)

(h) Equality Impact Assessment	Appendix H (Babergh) Appendix H (Mid Suffolk)
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13. BACKGROUND DOCUMENTS

13.1 The [Joint Local Plan Core Document Library \(BDC\)](#) and [Joint Local Plan Core Document Library \(MSDC\)](#) contains the documentation supporting the Joint Local Plan at the submission stage and from the examination.

14. REPORT AUTHORS

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