

## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> MSDC Council BDC Council	<b>REPORT NUMBER:</b> <b>BC/23/28</b>
<b>FROM:</b> Cabinet Member For Heritage, Planning And Infrastructure (Mid Suffolk) Cabinet Member For Planning (Babergh)	<b>DATE:</b> 20 November 2023 - MSDC 21 November 2023 - BDC
<b>OFFICER:</b> Tom Barker, Director for Planning and Building Control	<b>KEY DECISION REF NO.</b> 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 31<sup>st</sup> 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 21<sup>st</sup> June, between 22<sup>nd</sup> September and 21<sup>st</sup> October 2021 and between 26<sup>th</sup> and 28<sup>th</sup> June 2023.
- 1.3 The Inspectors completed the examination by issuing a report dated 19<sup>th</sup> 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.

<b>3. RECOMMENDATION</b>
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).
<b>REASON FOR DECISION</b>
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 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 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 12<sup>th</sup> November to 24<sup>th</sup> December 2020. The Plan was submitted to the then Secretary of State for Housing, Communities and Local Government on 31<sup>st</sup> March 2021 for examination, supported by an extensive evidence base.

- 4.5 Examination hearing sessions took place on 21<sup>st</sup> June 2021 and between 22<sup>nd</sup> September and 21<sup>st</sup> October 2021. The Inspectors then held an exploratory meeting on 16<sup>th</sup> December 2021 to discuss matters as set out in their letter dated 9<sup>th</sup> 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 16<sup>th</sup> March to 3<sup>rd</sup> 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 26<sup>th</sup> and 28<sup>th</sup> June 2023.
- 4.13 The Inspectors issued their final examination report on 19<sup>th</sup> 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 21<sup>st</sup> August and 10<sup>th</sup> November 2017.
- 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.
- 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 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.

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 16<sup>th</sup> March and 3<sup>rd</sup> 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	<a href="#">Appendix A (Babergh)</a> <a href="#">Appendix B (Mid Suffolk)</a>
(b) Inspectors' Report	<a href="#">Appendix B (Babergh)</a> <a href="#">Appendix B (Mid Suffolk)</a>
(c) Policies Map	<a href="#">Appendix C</a>
(d) Draft Adoption Statements	<a href="#">Appendix D (Babergh)</a> <a href="#">Appendix D (Mid Suffolk)</a>
(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	<a href="#">Appendix E(i) (Babergh)</a> <a href="#">Appendix E(i) (Mid Suffolk)</a> <a href="#">Appendix E (ii) (Babergh)</a> <a href="#">Appendix E (ii) (Mid Suffolk)</a>
(f) Babergh and Mid Suffolk Joint Local Plan Part 1 Habitats Regulations Assessment including Appropriate Assessment	<a href="#">Appendix F (Babergh)</a> <a href="#">Appendix F (Mid Suffolk)</a>
(g) Schedule of Additional Modifications	<a href="#">Appendix G (Babergh)</a> <a href="#">Appendix G (Mid Suffolk)</a>

(h) Equality Impact Assessment	<a href="#">Appendix H (Babergh)</a> <a href="#">Appendix H (Mid Suffolk)</a>
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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

Robert Hobbs, Corporate Manager – Strategic Planning