

BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION MATTERS AND QUESTIONS

Important Notes:

- **Participants should only respond to the questions which directly relate to their previously-submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.**
- **Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.**
- **We are examining the plan as submitted by the Councils. Therefore, we will not, at this stage, be considering the merits for development of sites for development not included in the plan ("omission sites"). Should we determine that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Councils to consider how they would wish to proceed with the Examination.**
- **The questions concerning soundness are primarily focussed on the plan's policies. Insofar as they relate to the plan's soundness other elements of the plan, including the supporting text, will be considered as part of the discussion of the relevant policies.**

Matter 1a – Legal Compliance

- 1.1 In preparing the plan did the Councils engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Co-operate? *[Note: this question concerns the engagement undertaken by the Councils during the preparation of the plan and does not directly relate to the content of the plan and whether or not it is sound which is considered under other Matters]*
- 1.2 Has the plan been prepared in accordance with the adopted Joint Local Development Scheme?
- 1.3 Has consultation on the plan been carried out in accordance with the Councils' Joint Statement of Community Involvement (and its Addendum) and the requirements of the 2004 Act (as amended) and the 2012 Regulations?
- 1.4 Does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:
 - (a) its assessment of the likely effects of the plan's policies and allocations?
 - (b) its consideration of reasonable alternatives, including the nine spatial strategy options?

[Note: This question focusses on the legal compliance of the SA in broad terms. The implications of the SA for the soundness of the plan is considered under other Matters.]
- 1.5 Does the plan include policies designed to ensure that the development and use of land in Babergh and Mid Suffolk contributes to the mitigation of, and adaptation to, climate change?
- 1.6 Does the plan include policies to address the strategic priorities for the development and use of land in Babergh and Mid Suffolk?
- 1.7 Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations

Matter 1b – Legal Compliance (Habitats Regulations Assessment)

- 1.8 Is the Habitats Regulations Assessment robust and does the plan include all the recommendations identified in the assessment as necessary to ensure compliance with the Habitats Regulations?

Matter 2 – Accommodation for Gypsies, Travellers, Travelling Showpeople and Boat Dwellers

(Policies LP9 and LP10)

- 2.1 Is the *Ipswich Housing Market Area Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (May 2017)* robust and sufficiently up to date?
- 2.2 For the plan to be effective should policies LP09 and LP10 make clear what is the current assessment of need for accommodation for Gypsies, Travellers, Travelling Showpeople and boat dwellers for the plan period (as policy SP01 does for housing for the settled community)?
- 2.3 Does the plan provide for the all needs identified in the assessment for Babergh and Mid Suffolk including pitches, short-stay stopping sites and permanent residential boat moorings?
- 2.4 Are policies LP09(1) and LP10 positively prepared, justified and effective approaches to planning for the accommodation needs of Gypsies, Travellers, Travelling Showpeople and boat dwellers?
- 2.5 Having particular regard to the Public Sector Equality Duty, are all the criteria of policy LP09(2) justified and are any of them not in any case adequately covered by other policies of the plan?

Matter 3 – Housing Needs for the Settled Community and Affordable Housing

(Policies SP01, SP02, LP06(1a) and LP08)

- 3.1 Are the plan's settled community Housing Need Targets of 416 dwellings per annum for Babergh and 535 dwellings per annum for Mid Suffolk positively-prepared and justified? In particular:
 - (a) has the "standard methodology" been correctly calculated?
 - (b) is an "uplift" in the figures necessary to help deliver (i) affordable housing or (ii) to reflect any other factors such as growth strategies, proposed infrastructure improvements or past delivery of housing in the plan area?
 - (c) are there any exceptional circumstances which would justify calculation of housing need on a basis other than use of the "standard methodology"?
- 3.2 Is the 2018 base date of the plan period justified given that the standard methodology "formula" was published in 2020 and is based on 2020 data?
- 3.3 For the plan to be sound is it necessary for it to include a mechanism by which any future unmet needs could be met within the plan area? Or is the statutory requirement for review and if necessary update of the plan sufficient?
- 3.4 In principle is it sound for the plan to provide for around 20% more housing than the housing need targets? [*Note: Matter 10 considers in detail whether or not the plan is likely to ensure that the housing need figures will be met.*]
- 3.5 Does Policy SP01(1) provide sufficient clarity about how the mix, type and size of new housing development will be determined?
- 3.6 Does the *Ipswich Housing Market Area Strategic Housing Market Assessment Partial Part 2 Update (January 2019)* provide a robust assessment of affordable housing needs in the districts during the plan period?
- 3.7 Are the requirements of policy SP02 and LP06(1a) (35% affordable housing provision on sites of 0.5ha or 10 dwellings or more):

- (a) justified in relation to the identified requirement for affordable homes (26.4% and 23.9% of all new homes in Babergh and Mid Suffolk respectively)?
 - (b) likely to be financially viable in most circumstances?
 - (c) likely to be effective and appropriately flexible, when applied together with the requirements of policy LP08?
- 3.8 Is the penultimate sentence of policy SP02(4) justified and effective? Would it be more appropriately reworded as "*In exceptional circumstances, where it is convincingly demonstrated that the provision of 35% affordable housing is not viable, the Council may agree to vary the requirement.*"?
- 3.9 Is policy LP08 clear and will it be effective in achieving the identified requirement for affordable housing?
- 3.10 Is the policy LP08 figure of 35% market housing on rural exception sites justified by robust evidence?

Matter 4 - Settlement Hierarchy, Spatial Distribution of Housing and Housing Site Selection Process

(Policies SP03 and SP04)

- 4.1 Has the settlement hierarchy set out in Tables 2 and 3 been derived using a robust and objective process?
- 4.2 Is it sufficiently clear how policy SP03(1) would be applied to (a) development on sites allocated in the plan (b) applications for development not on sites allocated in the plan?
- 4.3 Is the requirement to demonstrate "exceptional circumstances" for development outside of defined settlement boundaries in isolated locations consistent with NPPF paragraphs 79 and 83?
- 4.4 Are the criteria of policy SP03(4a-c) of relevance to the Settlement Hierarchy and do these relate to issues covered by other policies of the plan?
- 4.5 Is there sufficient clarity as to whether policy SP03(4d) concerns the cumulative impact of the various effects of an individual development proposal or the cumulative impact of more than one development proposal?

- 4.6 Is the proposed distribution of development set out in policy SP04, based on robust and objective evidence and is it justified and consistent with national policy? Does the distribution appropriately reflect the Ipswich Strategic Planning Area-wide growth objectives?
- 4.7 Is it sufficiently clear how the numbers and percentages of new homes, by settlement hierarchy categories, set out in policy SP04 will be applied in the determination of planning applications for housing development?
- 4.8 Are the "Total homes required" figures for Neighbourhood Plan Areas, detailed in Table 4, a sum of the outstanding planning permissions (as of 1/4/18) and the sites allocated for housing in the plan in each Neighbourhood Plan Area? If so:
- (a) are all outstanding permissions from after 1/4/18 identified as housing allocations in the plan or do they need to be otherwise accounted for?
- (b) is it sufficiently clear as to how and when the requirement to identify the indicated total number of homes required in each Neighbourhood Plan (NP) Area will operate in practice; in particular:
- (i) in respect of outstanding permissions in NP areas which expire (both those pre- and post-dating 1/4/18)?
- (ii) in respect of housing sites allocated in the plan in NP areas for which planning applications do not come forward?
- (iii) is not flexibility to reflect existing permissions/housing allocations which do not come forward already accounted for in the approximate 20% buffer of housing provision over the housing need targets?
- 4.9 The Councils have stated that "the settlement hierarchy and the distribution of development between settlement categories have not been of particular significance in the selection of housing sites, to the extent that they might be overriding of other factors" (paragraph 4.01 of Doc G01). In view of this is it justified and effective to require existing permissions/housing allocation sites which are not implemented to be offset by other sites within the same Neighbourhood Plan Area?

- 4.10 Have the housing sites allocated in the plan been selected against possible alternatives using a robust and objective process? *[Note: the soundness of specific housing allocation sites and their relevant policy criteria will be considered as part of Matter 9 and this question focusses on the overall approach by which the sites were appraised and selected.]*

Matter 5 – Local Housing Policies

(Policies LP01, LP02, LP03, LP04, LP05, LP06(1b and 1c), LP07 and LP11)

- 5.1 a) Are the requirements of policy LP01 clear and consistent with national policy? Would they be effective?
- b) On what basis was the threshold for a dwelling cluster set and is this reasonable?
- c) Is the scale and type of development allowed in part c) justified and sufficiently flexible?
- 5.2 a) Are the requirements of policy LP02 clear and justified?
- b) Is it necessary for the plan to be sound for the policy to be stronger on sustainable energy requirements?
- 5.3 a) Are the requirements of the LP03 clear and justified?
- b) Is it necessary for the plan to be sound for the policy to consider the energy performance of the entire dwelling and specifically cover conversions of agricultural barns?
- 5.4 Are the requirements of policy LP04 clear and justified?
- 5.5 a) Is it necessary for the plan to be sound for policy LP05 to specifically deal with back-land development and loss of garden land?
- b) Is the wording in relation to heritage assets sufficiently clear?
- 5.6 a) Is there robust evidence to justify the requirements of LP06(b)? Is part b) sufficiently flexible and does it take appropriate account of viability?
- b) Are the requirements of part (c) clear? Is removal of permitted development rights for bungalows justified?

- 5.7 a) Would policy LP07 be effective in ensuring the needs for supported and special needs housing are met or should the plan allocate specific sites for such accommodation?
- b) Is criterion 1(b) sufficiently clear and is its terminology consistent with the settlement hierarchy?
- c) Is the decision to apply Building Regs M4(2) justified?
- d) Is removal of permitted development rights for bungalows justified?
- 5.8 Is policy LP11 consistent with national policy and would it be effective in achieving an appropriate level of self and custom build plots?

Matter 6 – Employment, Retail and Town Centre and Tourism Policies

(Policies SP05, SP06, SP07, LP12, LP13, LP14, LP15, LP16)

- 6.1 a) Is the plan sufficiently clear as to what the need is for employment land over the plan period?
- b) The Councils have confirmed that the minimum objectively assessed need for employment land is 2.9ha in Babergh and 9.4ha in Mid-Suffolk (table 3.7 in Doc EC03). Is there robust evidence to justify this?
- 6.2 a) Is the plan's approach to employment land in policy SP05 positively prepared and consistent with national policy.
- b) Are the requirements clear and how are they justified by evidence?
- c) Is it sufficiently flexible and would it be effective in providing an appropriate amount and type of employment land?
- d) Is SP05(4) consistent with national policy and is it effective?
- 6.3 a) Is policy LP12 consistent with national policy?
- b) Is the policy clear, especially in relation to what is meant by:
- an "employment use"
 - "significant" in part 3d and how this will be assessed.

- c) Would the requirements be effective and flexible enough to support appropriate proposals for both new employment uses and the expansion of existing uses /sites?
 - d) to be found sound does the policy also need to cover live/work units?
 - e) Is LP12(2) necessary given it simply repeats SP05(4)?
- 6.4
- a) Are the requirements of policy LP13 consistent with national policy and SP05?
 - b) Is the policy clear and would its requirements be effective and sufficiently flexible?
 - c) Is there robust evidence to justify the requirements in part 3 and how would the required financial contributions be calculated?
- 6.5
- a) The Councils have confirmed in document G02 that policy SP06 contains a mistake in that Needham Market, Eye and Debenham are not settlements with a defined town centre and also that the plan does not define primary frontages as stated in paragraph 14.10.
 - i. Is the plan sound without these other centres being defined?
 - ii. Is the approach consistent with paragraph 85 of the National Planning Policy Framework, particularly in terms of defining town centres and primary shopping areas?
 - iii. Is there clear justification for the boundaries that are defined?
 - b) In other respects are policies SP06 and LP14 consistent with national policy?
 - c) Do the policies provide a decision maker with a clear framework for determining applications?
 - d) Is there robust evidence to justify the level at which a retail impact assessment is required?
- 6.6
- a) Will policy SP07 in conjunction with policies LP15 and LP16 provide sufficient clarity and an effective framework for determining applications for tourism and leisure uses?
 - b) Are the requirements of policy LP15 consistent with national policy and justified?

Matter 7 – Environment Policies

(Policies SP09, SP10, LP17, LP18, LP19, LP20, LP21, LP22, LP23, LP24, LP25, LP26, LP27, LP28, LP29)

- 7.1 a) Is policy SP09 based on robust and up to date evidence?
- b) Is it sufficiently clear, including in relation to where the Suffolk Coast RAMS applies?
- c) Will it be effective?
- 7.2 Are the requirements of policy SP10 sufficiently clear including with regard to what is required from developers and will the policy be effective?
- 7.3 a) Is policy LP17 consistent with national policy and other parts of the plan?
- b) Are the requirements of the policy clear?
- c) Would the policy be effective including in relation to the use of brownfield v greenfield land, light pollution and air quality?
- d) is there robust evidence to justify the policy?
- 7.4 a) Is policy LP18 consistent with national policy?
- b) Are the requirements of the policy clear? In particular is there sufficient clarity regarding County Wildlife Sites, environmental corridors and how off-setting would work?
- c) Would the policy be effective?
- d) Is the policy based on robust evidence that justifies its requirements particularly in relation to
- i. the minimum 10% increase for biodiversity
 - ii. wildlife corridors?
- e) Is it sufficiently clear how the net gains for biodiversity would be measured?
- 7.5 a) Is policy LP19 clear and would it be effective?

b) To be sound does the policy need to refer to local landscape designations in neighbourhood plans, and retain existing Visually Important Open Spaces and Special Landscape Area designations?

7.6 a) Is policy LP20 consistent with national policy?

b) Are the requirements of the policy clear, and would they be effective?

c) To be found sound does the policy:

- i. need to identify how development in the project areas and in the setting of the AONB will be assessed?
- ii. Refer to the need to conserve quality views and the distinctiveness of the AONB and to AONB management plans?
- iii. Refer to potential future extensions to the AONB?
- iv. Require that proposals are accompanied by a Landscape and Visual Impact Assessment?

7.7 a) Is policy LP21 consistent with national policy?

b) Is the policy clear and would it be effective? In particular to be found sound does the policy need to specifically mention Conservation Areas and/ or that it covers both designated and non-designated heritage assets?

7.8 Is policy LP22 consistent with national policy particularly with regard to highway matters? Is the proposal to remove PD rights justified?

7.9 Is the approach in policy LP23 justified?

7.10 a) Are the requirements of policy LP24 clear, including with regard to what proposals are covered by the policy?

b) Would the policy be effective?

c) Is the policy consistent with national policy particularly with regard to highway matters?

7.11 a) Are the criteria in policy LP25 justified and consistent with national policy? In particular is there robust evidence to justify the targets within the policy and do they take into account viability?

b) Are the requirements of the policy clearly articulated and would the policy be effective?

- 7.12 Are the requirements of policy LP26 justified and clearly articulated and would the policy be effective? In particular:
- a) is the requirement to meet Space Standards in the Technical Housing Standards based on robust evidence?
 - b) does the policy need to encourage the use of design codes and use of the Design Review Panel?
 - c) is 1f consistent with LP06?
 - d) is it sufficiently clear as to when part 2k will be applied?
- 7.13 Are the requirements of policy LP27 justified and would it be effective?
- 7.14 Are the requirements of policy LP28 clear and justified?
- 7.15 Are the requirements of policy LP29 clear and justified?

Matter 8 – Healthy Communities and Infrastructure Policies

(Policies SP08, LP30, LP31, LP32, LP33, LP34, LP35)

- 8.1 a) Is policy SP08 consistent with national policy and other policies in the plan?
- b) Are the requirements of the policy clear and is there robust evidence to justify them?
- c) In broad terms will the policy be effective in ensuring the provision of infrastructure and local services necessary to meet future development needs? And in broad terms are there any types of infrastructure or schemes which are required to support future needs that are missing? *[Note: matters relating specific infrastructure/service requirements to serve the plan's allocations for development will be considered as part of Matter 9]*
- d) Does the policy take appropriate account of viability?
- 8.2 a) Are the requirements of policy LP30 clear, justified and would they be effective?
- b) Is part 2 of the policy in particular consistent with national policy? On what basis was threshold of 1ha set and is this reasonable?

- c) Does the policy take appropriate account of viability?
- d) For the plan to be found sound should it:
- designate and/or provide a mechanism to designate Local Green Spaces other than through a Neighbourhood Plan?
 - include the open space standards
- 8.3 a) Is the definition of community services in policy LP31 reasonable?
- b) Are the requirements of the policy justified and clearly articulated?
- 8.4 Are the requirements of policy LP32 clear and would they be effective?
- 8.5 a) Does the Infrastructure Delivery Plan (Doc ER01) provide the robust evidence necessary to justify policy LP33?
- b) Is the policy clear and would it be effective particularly with regard to the need to address cumulative impacts?
- 8.6 a) Are the requirements of policy LP34 justified by robust evidence and are they clear?
- b) Are they sufficiently flexible and would they be effective?
- 8.7 a) Is policy LP35 consistent with national policy and with other policies in the plan especially SP08 and LP33?
- b) Is it clear, particularly in terms of what is required from developers and would it be effective?
- c) Does it take appropriate account of viability?

Matter 9 – Allocation Sites for Housing and Other Development and Settlement Boundaries

(Part 3 of plan – Place and Allocations Policies)

- 9.1 Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based; are the criteria and requirements set out in the relevant policies justified and effective; and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

[Note: in responding to this question please be clear about the site(s) you are referring to using the site name referred to in the plan and the relevant "LA" number reference (eg LP045: Land south of Tamage Road, Action) or the Policy LS01 list number (eg LS01(45): Cotton: Land north of Mendlesham Road)]

- 9.2 Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?
- 9.3 Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?
- 9.4 Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?
- 9.5 Is the "contributions to the satisfaction of the LPA, towardsxxxx" wording used in many of the LAXXX policies justified and effective? Would "contributions towardsxxxx, to ensure that the development is acceptable in planning terms" be more appropriate?
- 9.6 Are the settlement boundaries as shown on the policies map justified and effective?

Matter 10 – Overall Supply of Housing Land

- 10.1 Is there convincing evidence that
 - (a) the plan will ensure that the housing requirement across Babergh and Mid Suffolk to 2037 will be met, and
 - (b) an ongoing five year supply of deliverable housing land in both districts will exist throughout the plan period?