



Mid Suffolk Core Strategy Focused Review (CSFR) Examination

Main issues and questions

Matter 1 Legal Compliance

1.1 Has the CSFR been prepared in accordance with the Local Development Scheme?

Yes. The CSFR has been prepared in accordance with the LDS in that it has been prepared in order to enable the SAAP to be completed in accordance with the LDS.

The CSFR was required in order to update the Core Strategy (2008) with new evidence and policy that has arisen through the production of the SAAP, both of which are Development Plan Documents required by the LDS.

It is not a wholesale review of the Core Strategy or a new free standing plan but a focused review of some policies within an existing plan (the Core Strategy) which is identified within the LDS. The need for the review was not known at the time the LDS was last prepared, and the preparation of the CSFR was the only way the Council could proceed with the SAAP, as envisaged by the LDS.

The suspension of the Stowmarket Area Action Plan (SAAP) was requested by the Council in September 2011 due to the Inspector's ongoing concerns as to conformity with the Core Strategy which the Council felt they were unable to address without conducting a Core Strategy focused review. The Inspector agreed to the SAAP suspension on 23rd September 2011 and this became operative at noon on the 27th September 2011.

The LDS has been reviewed to refer to and reflect the need to prepare the CSFR. The LDS is available on page 16 of the 2011 Annual Monitoring Report (FR B11) which was submitted to the Secretary of State on 30 December 2012. A forthcoming review, once alignment of Babergh and Mid Suffolk's local plan preparation is understood, will be brought into effect in due course by resolution in accordance with section 15(7) of the 2004 Act (as amended by the Localism Act 2011) and in line with local plans preparation as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.2 Is the CSFR in general conformity with the Statement of Community Involvement and public consultation requirements?

Yes – The SCI sets out the mechanism for the deposit and consultation processes and these have been observed.

1.3 Has the CSFR been subject to an adequate sustainability appraisal? Is the note prepared on behalf of the Council adequate?

The Sustainability Appraisal Note for the Focused Review (FR A6) recognises that the Core Strategy adopted in 2008 was itself accompanied by a Sustainability Appraisal Report accepted as adequate at examination. The SA Note therefore limits its appraisal to the matters which the Focused Review seeks to address and only to the changes proposed to the adopted Core Strategy not to the Core Strategy in its entirety.

The sustainability appraisal has been undertaken in compliance with the requirements of the Planning and Compulsory Purchase Act 2004 and the European Union Strategic Environmental Assessment (SEA) Directive 2001/42/EC. The Note takes account of the Habitats Regulations Assessment for the CSFR, December 2010 and builds upon the earlier SA work undertaken to inform the adopted Core Strategy.

1.4 Is the Appropriate Assessment adequate? Has sufficient regard has been had to biodiversity?

Appropriate Assessment

A Habitats Regulations Appraisal (HRA) is required to determine whether a plan or project affects a Natura (European) site. The HRA refers to the whole process, including the appropriate assessment step which is only necessary when a plan or project has been determined as affecting a Natura site. In this case the Appropriate Assessment step was not required after assessing the Core Strategy Focused Review because it was not considered the plan will have a significant effect on the integrity of any Special Area of Conservation, Special Protection Area or Ramsar site (Natura Sites).

The HRA process to reach this conclusion involved assessing the additional growth, hydrological connectivity, distance from Natura Sites and potential for visitor number increase resulting. The format for the HRA included updating the Habitats Regulations Assessment that was completed for Mid Suffolk's Core Strategy (2008) and Stowmarket Area Action Plan (2009) with the changes proposed by the Core Strategy Focused Review. This approach received support from Natural England who responded as follows:

“Further to our letter of 16 December 2011 (our reference 41062), and subsequent discussions, we can confirm that we concur with the conclusions set out on page 20 of the report, that the proposed changes as a result of the Focussed Review will have no likely significant effects on any Natura 2000 site. Our decision is based on the relative distance of Stowmarket from the identified European sites, the lack of

any direct hydrological connectivity between the Redgrave and South Lopham Fen Ramsar site and Stowmarket, and the relatively low additional increase in housing numbers above that agreed in the Core Strategy, which we do not consider substantial enough to lead to significant additional visitor disturbance to the Stour and Orwell Estuaries Special Protection Area (SPA). The specific issue of visitor pressure will need to be addressed more fully at the Site Allocations stage, when the exact location of growth is determined, in combination with the growth arising from neighbouring authorities' housing allocations.

It is clear from the foregoing points that the Council has updated the evidence base of the [Core] Strategy [Focused Review], following new evidence that has arisen during the preparation phase and development of the Stowmarket Area Action Plan. This leads Natural England to conclude that the document is justified”.

Biodiversity

Paragraph 2 of Policy FC 1 includes reference to the wider objectives and policies of the Core Strategy (2008). This provides a good link for allowing developments to be measured against the Council's sustainability objectives. For example, Core Strategy Objective SO 1 and SO 2 relate to biodiversity. Policy CS 5 of the Core Strategy (2008) provides a criteria based policy to judge if proposals affect wildlife geodiversity, historic environment, design and landscape.

A host of information has been produced for the Stowmarket Area Action Plan and the additional housing growth in Policy FC 2 has been generated from this information. Sites have been surveyed by Suffolk Wildlife Trust and their recommendations along with other considerations such as landscape have been taken into account when proposing sites for allocation.

This fits neatly with the National Planning Policy Framework stating that the planning system should protect and enhance valued landscapes, geological conservation interests and soils. Minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Promote the preservation, restoration and re-creation of priority habitats. Paragraphs 109, 112,117

In relation to the SAAP background work, the Council has produced a map (9.1) defining Key Biodiversity Areas which relates to SAAP policy 9.1 in particular in retaining existing wildlife linkages and with the intention of ensuring opportunities for wildlife linkages in forthcoming developments in Stowmarket. The map defines the Key Biodiversity Areas, Local Wildlife Sites, Suffolk Biodiversity Action Plan Species/Habitats among others which will conserve and enhance biodiversity and geodiversity in Stowmarket.

1.5 Has the CSFR had regard to the Sustainable Community Strategy for the area?

Yes – The “Heart of Suffolk” Community Strategy is part of the evidence base reference E/C56. and has been taken into account

1.6 Does the CSFR comply with the 2004 Act and the 2012 Regulations?

Yes

Elements of the 2004 Act such as section 19 requirements and changes made in section 110 of the Localism Act 2011 namely section 33A the ‘duty to cooperate’ are dealt with in responses elsewhere.

The Council has complied with the 2004 Act and note in particular that under section 26, Part 2 of the 2004 Act applies to revision of a local development document as it applies to the preparation of a document. The CSFR has been prepared to comply with section 17(7) of the 2004 Act as set out in the relevant regulations.

The document has been prepared and consultation carried out in line with the 2004 Regulations (as amended 2008) that were then current. Consultation was undertaken in 2 phases, a Regulation 25 process and a Regulation 27 process and included inviting representations from local residents and businesses. These processes are consistent with those required under regulations 18 and 19 of the 2012 Regulations.

Similarly the Council has submitted the CSFR to the Secretary of State under regulation 30 of the 2004 Regulations (as amended 2008), which is consistent with, and in some respects more onerous than the requirements of regulation 22 of the 2012 regulations.

1.7 Does the CSFR contain an adequate list of superseded saved polices?

Yes. On page 35.

1.8 Have all the procedural requirements for publicity and consultation been met?

Yes. The requirements of the 2004 Regulations (as amended) have been met and the Council’s SCI has been followed. A statement of consultation was produced for the regulation 27 proposed submission stage explaining how we had handled the regulation 25 consultation and dealt with representations. At Regulation 30 we produced statements of representation and recommendations for both regulation 25 and 27. Copies of adverts and letters are available through evidence FR B22 and FR B23.

1.9 Is the CSFR in general conformity with the Regional Strategy (RS)?

Yes

S 24 of the Planning and Compulsory Purchase Act 2004 required LDF documents to be in conformity with the relevant regional spatial strategy (RSS) and advised local authorities to seek proof of that conformity from the Regional Planning Body. In the case of Mid Suffolk this was The East of England Regional Assembly. (EERA) Prior to its demise the Regional Assembly had given a letter of conformity for the Stowmarket Area Action Plan. As the Council had accepted the “floor not a ceiling” approach introduced by the RSS the District felt that its approach was justified in seeking to achieve growth in its main market town. At the time that the Core Strategy Focused Review was prepared (to accommodate conformity issues between Mid Suffolk’s own LDDs) the Regional Body and the Government Office for the East had been disbanded. As such there is no body to confirm conformity, however, the Council believes that the growth proposed in the CSFR is entirely supportive of and supported by the terms of the submitted and approved RSS. Specific explanations on matters relating to Economic Development and housing issues are set out elsewhere in the Council responses.

In any event the CSFR merely seeks to update the CS so that it is consistent with the SAAP. It therefore follows that if the SAAP is in conformity with the RSS, it must follow that the CSFR is likewise in conformity.

1.10 Does the CSFR comply with the policies of the Framework and does the CSFR adequately address the national presumption in favour of sustainable development?

Yes

The Council has completed a Self Assessment of the CSFR for its compliance with the NPPF, using the PAS toolkit. The CSFR had the benefit of the draft NPPF at the time of its preparation and is in compliance with the presumption in favour of sustainable development as articulated within paragraph 14. In accordance with practice elsewhere, and for the avoidance of doubt, the Council will ask the Inspector to modify the CSFR by adding to it the National Model policy on sustainability.

1.11 Has the CSFR had regard to national policy? Is the CSFR consistent with the National Planning Policy Framework (NPPF or the Framework)? Are any modifications necessary to make the CSFR sound as a result of the publication of that document?

In line with practice elsewhere the Council will request the Inspector’s support for the introduction of the National Model policy on sustainability as a specific modification to ensure the CSFR is consistent with the NPPF. A formal request will be made under separate cover.

1.12 Does the CSFR sufficiently reflect the presumption in favour of sustainable development that Local Plans are expected to follow? Should the

CSFR be modified to include the model sustainability policy? How would that affect policy FC1?

We are waiting for the outcome of the consultation on the model policy matter. At this time however, we do believe we would ask for a modification of policy FC1 to include the model policy as we feel that it complements the policy. We will have regard to any representations before finalising the wording of any proposed modification.

1.13 Whether the plan period is sufficiently clear throughout the CSFR, how that complies with NPPF and how it fits within the context of the original document. Whether there are any implications for cross-boundary working.

The NPPF refers to an appropriate timescale in paragraph 157, preferably a 15 year time horizon. The CSFR uses mid 2011 base date information. The 2008 Core Strategy had baseline information for mid 2007. Policy FC2 in the CSFR sets out a 15 year framework for housing provision, divided into 5 year periods. Paragraph 5.27 of the CSFR refers to a target for jobs in the plan period to 2026. Other authorities are likely to use 2011 baseline information as this coincides with forthcoming Census information, for long term monitoring purposes.

In the light of these factors, the plan period is clear, is in line with the NPPF and fits with the Core Strategy's end date. There are no known adverse implications for cross-boundary working arising from the choice of plan period..