



Cabinet

Members are invited to a **Meeting of the Cabinet** to be held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 6 June 2023 at 6.30pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at https://youtube.com/live/z9wg5_VpIR4?feature=share.

Members:

Councillor Caroline Topping (Leader of the Council), Councillor David Beavan (Deputy Leader and Housing), Councillor Paul Ashton (Corporate Services – Digital, Customer Services, HR and Assets), Councillor Tom Daly (Energy and Climate Change), Councillor Katie Graham (Communities, Leisure and Tourism), Councillor Toby Hammond (Economic Development and Transport), Councillor Vince Langdon-Morris (Resources and Value for Money), Councillor Mike Ninnmey (Community Health), Councillor Rachel Smith-Lyte (The Environment), Councillor Kay Yule (Planning and Coastal Management)

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence

To receive apologies for absence, if any.

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 Announcements

To receive any announcements.

4 Minutes

To confirm as a correct record the minutes of the meeting held on 7 March 2023.

1 - 12

NON-KEY DECISIONS

5 Appointments to Outside Bodies for 2023/24 (Executive) ES/1547

Report of the Leader of the Council.

13 - 18

Part One – Open to the Public		Pages
6	Appointments to the Shareholder Reference Group (SRG) ES/1552 Report of the Leader of the Council.	19 - 23
7	Appointment of the Director and Alternate Director of Freeport East Limited ES/1553 Report of the Leader of the Council	24 - 28
8	Appointments to the Community Infrastructure Levy (CIL) Spending Working Group ES/1554 Report of the Leader of the Council.	29 - 32
9	Community Infrastructure Levy (CIL) Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy ES/1548 Report of the Cabinet Member with responsibility for Planning and Coastal Management and the Cabinet Member with responsibility for Resources and Value for Money.	33 - 162
10	Exempt/Confidential Items It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.	

Part Two – Exempt/Confidential		Pages
11	Exempt Minutes <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information). Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. 	

KEY DECISION

12	Sale of Commercial/Residential Asset - Lowestoft <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information). 	
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NON-KEY DECISIONS

13	Acquisition of Commercial Asset - Lowestoft <ul style="list-style-type: none"> Information relating to any individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information). 	
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14 Sale of Commercial/Residential Asset - Wickham Market

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Close

Chris Bally, Chief Executive

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democraticservices@eastsuffolk.gov.uk

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**The national Charter and Charter Plus Awards for Elected Member Development**

East Suffolk Council is committed to achieving excellence in elected member development

www.local.gov.uk/Community-Leadership

<p>Unconfirmed</p>



Minutes of a Meeting of the **Cabinet** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 7 March 2023 at 6:30 pm**

Members of the Cabinet present:

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Maurice Cook, Councillor Steve Gallant, Councillor David Ritchie, Councillor Craig Rivett, Councillor Letitia Smith

Other Members present:

Councillor Edward Back, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Judy Cloke, Councillor Linda Coulam, Councillor Tracey Green, Councillor Mark Jepson, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Rachel Smith-Lyte, Councillor Steve Wiles

Officers present:

Chris Bally (Chief Executive), Richard Best (Collaboration and Connecting Programme Manager), Chris Bing (Head of Legal and Democratic Services), Kate Blakemore (Strategic Director), Duncan Colman (Interim Asset and Investment Manager), Karen Cook (Democratic Services Manager), Stephanie Duff (Strategic Lead - Housing Repairs and Maintenance), Heather Fisk (Head of Housing), Gabriella Fox (Regeneration Project Officer), Jeanette Hollingsworth (Environmental Protection Manager), Ben Hunter (Senior Environmental Protection Officer), Andy Jarvis (Strategic Director), Bridget Law (Strategic Lead - Housing Investment), Paul Mackie (Lead Officer - Environment and Climate Change), Matt Makin (Democratic Services Officer (Regulatory)), Brian Mew (Chief Finance Officer), Darren Newman (Economic Regeneration Manager), Agnes Ogundiran (Conservative Political Group Support Officer), Fiona Quinn (Head of Environmental Services and Port Health), Lorraine Rogers (Deputy Chief Finance Officer), Samantha Shimon (Strategic Lead - Housing Services), Tim Snook (Leisure Development Partnership Manager), Ryan Taylor (Housing Development Officer), Paul Wood (Head of Economic Development and Regeneration)

1 Apologies for Absence

Apologies for absence were received from the following Cabinet Members: Councillor Kerry, Councillor Mallinder and Councillor Rudd, and from the following Assistant Cabinet Member: Councillor Cooper.

2 Declarations of Interest

Mr A Jarvis, Strategic Director, declared a non-financial interest in agenda item 20, Provision of Loan Finance to East Suffolk Property Investments Limited, as a Director of East Suffolk Property Investments Limited.

Mr A Jarvis, Strategic Director, declared a non-financial interest in agenda item 21, East Suffolk Business Plan, as a Director of East Suffolk Services Limited.

3 Announcements

The Leader announced that this was the final Cabinet meeting of the current Administration, he gave sincere thanks to all Cabinet and Assistant Cabinet Members for all of their work, and he also thanked all officers who supported the Cabinet and Assistant Cabinet Members.

4 Minutes - January 2023

It was by consensus

RESOLVED

That the Minutes of the Meeting held on 3 January 2023 be agreed as a correct record and signed by the Chairman.

5 Minutes - February 2023

It was by consensus

RESOLVED

That the Minutes of the Meeting held on 7 February 2023 be agreed as a correct record and signed by the Chairman.

6 Leisure Centre Decarbonisation Programme

Cabinet received report **ES/1476** by the Cabinet Member with responsibility for Communities, Leisure and Tourism, which outlined the proposed leisure centre decarbonisation programme and applications for the Government Public Sector Decarbonisation Scheme known as 'Salix' grant funding to support the proposed programme. It was reported that East Suffolk Council (ESC) leisure centres currently formed almost 30% of the Council's overall annual carbon footprint and the report set out proposals on how the leisure centres could significantly reduce their carbon footprint, mitigate additional operation costs, and seek Government funding to deliver the plans.

Cabinet was advised that the proposed decarbonisation plans would significantly reduce the annual leisure centre annual carbon footprint, supporting the Council's environmental and carbon neutral aims of its Strategic Plan 2020-2024. It was expected that the project, by including as much PV as possible, would help mitigate and even

reduce the current operational costs, delivering longer-term operational efficiencies and enable plant that was nearing the end of life to be replaced. Whilst some capital funding would be required, by applying for GPSDS 'Salix', if successful, this would save ESC significant costs of funding the schemes fully itself from the Capital Budget and allow other projects to be delivered. Applying for grant funding now and delivering any projects within two years of successful applications would give ESC time to add further measures if necessary to reduce its target of Carbon Neutral by 2030.

Cabinet welcomed the proposals within the report, referring to the ambitions around the environmental agenda being key and how part of the de-carbonisation would add a lot of value to that particular ambition. Cabinet also welcomed ESC taking advantage of the assistance from the Government with funding.

On the proposition of Councillor Smith, seconded by Councillor Brooks, it was by unanimous vote

RESOLVED

1. That the direction of the proposed current leisure centre decarbonisation schemes for the four leisure centres be approved.
2. That authority be delegated to the Strategic Director, in consultation with the Cabinet Member with responsibility for Communities, Leisure and Tourism, to accept if successful, the Government Public Sector Decarbonisation Scheme 'Salix' grant funding for the proposed schemes.
3. That the Strategic Director, in consultation with the Cabinet Member with responsibility for Communities, Leisure and Tourism, be authorised to agree final proposals and implement the programme of works through the leisure development partner, Pulse Design and Build.

7 Renewal of Dog Related Public Space Protection Orders

Cabinet received report **ES/1477** by the Cabinet Member with responsibility for the Environment which, in his absence, was presented by the Leader. The purpose of the report was to renew or amend the 13 Dog Control Public Space Protection Orders due for renewal.

Cabinet was advised that without these orders in place ESC had no authority to legally enforce in the areas. All the areas specified in the report were fundamental to the protection and enjoyment of the district's public spaces. The four Exclusion of Dogs from Beaches PSPOs were instrumental in maintaining the recognised quality of the district's bathing areas, this included supporting any Blue Flag designations. The criteria for awarding a Blue Flag stated that "Dogs must be excluded from the award area of the beach during bathing season". For Carlton Marsh Nature Reserve the proposal was to reduce the control for part of the site from a ban on dogs to allowing them on leads as it was considered to be a more proportionate control measure.

There being no questions or debate, the Leader moved to the recommendations with the report.

On the proposition of Councillor Gallant, seconded by Councillor Rivett, it was by unanimous vote

RESOLVED

1. That the renewal of Public Space Protection Orders covering the control of dogs as detailed in Appendices C-M of the report be approved.
2. That the existing Carlton Marshes Nature Reserve Dogs on Lead Public Space Protection Order be extended to include the area indicated as detailed in Appendix N of the report.
3. That the Dog Exclusion Public Space Protection Order at Carlton Marshes Nature Reserve be allowed to expire.

8 Rent and Service Charges Policy

Cabinet received report **ES/1478** by the Cabinet Member with responsibility for Housing which, in his absence, was introduced by the Leader.

The Leader reported that the policy had been developed to set out the way that ESC's Landlord Services would set their rents and service charges in Housing Revenue Account (HRA) owned and managed properties. It had been written in accordance with best practice, legislation, and regulation to set out clearly and transparently to ESC tenants how their rent and service charges had been set.

There being no questions or debate, the Leader moved to the recommendations within the report.

On the proposition of Councillor Gallant, seconded by Councillor Cook, it was by unanimous vote

RESOLVED

1. That the Rent and Service Charge Policy be approved, which will be implemented by officers immediately.
2. That authority be delegated to the Head of Housing and the Housing Programme Board, in consultation with the Cabinet Member with responsibility for Housing, to update the Policy as required.
3. That authority be delegated to the Head of Housing, Strategic Lead – Housing Services and Housing Programme Board, in consultation with the Cabinet Member with responsibility for Housing, to develop all the relevant procedures to support the implementation of this Rent and Service Charge Policy.

Cabinet received report **ES/1479** by the Deputy Leader and Cabinet Member with responsibility for Economic Development and the Cabinet Member with responsibility for Communities, Leisure and Tourism.

It was reported that the cultural sector was recognised as increasingly important in driving resilient and inclusive economic growth, contributing to health and wellbeing and enabling communities. These were all key elements of ESC's Strategic Plan priorities and, in addition, a number of ESC service areas had been engaged in cultural development activity in recent years to deliver these objectives.

It was reported that activity had advanced in Lowestoft in particular, as part of the wider regeneration programme for the town, and joint working with Great Yarmouth Borough Council had led to the creation of the Lowestoft Cultural Strategy and Cultural Leadership Group. However, it was recognised that a rich and diverse cultural sector existed across the whole district and if ESC and its partners were to better enable its development in contributing to the Strategic Plan priorities, a more co-ordinated approach was required. This has resulted in the creation of ESC's first Cultural Strategy.

The report before Cabinet set out the background, rationale and key objectives of the Strategy and provided a framework for a more collaborative approach to enabling cultural development for the benefit of the economy, residents and visitors.

With regard to recommendation 2 of the report, ie the appointment of a Cultural lead to co-ordinate the delivery of the Strategy and associated delivery plan, Cabinet was advised that there was evidence that if there was a dedicated resource in place, to focus on work, then ESC would be much better placed to deliver the objectives within the Strategy.

Cabinet welcomed the Strategy, commenting positively on the approach to work with all cultural festivals across the district to help shape the future of the Strategy. Cabinet welcomed that the Strategy would drive the generation of more interest in the cultural offer across the district.

Councillor Byatt, after applauding the introduction of the Strategy, referred to the Cultural Steering Group, and suggested that ward councillors should be involved. The Leader stated that the involvement of councillors was key and there needed to be engagement to ensure that they could promote and help to steer any actions that the Council may be taking in support of any particular function within the various wards. However, the Leader emphasised that involving councillors from the outset would mean involving all 55 of them because the breadth of events taking place across the district was huge; that, he said, was not practical.

On the proposition of Councillor Rivett, seconded by Councillor Smith, it was by unanimous vote

RESOLVED

1. That the East Suffolk Cultural Strategy be approved.
2. That the appointment of a Cultural lead to co-ordinate the delivery of the strategy and associated delivery plan be approved.
3. That authority be delegated to the Strategic Director, in consultation with the Cabinet Member with responsibility for Economic Development, to make any necessary future changes to the Strategy.

10 Transfer Agreement for Landguard Trust

Cabinet received report **ES/1480** by the Deputy Leader and Cabinet Member with responsibility for Economic Development, which set out the proposed agreement between the Landguard and Felixstowe Conservation Trust and ESC in relation to the management of the Council's interests at Landguard and enabling the development of the peninsula to become a nationally significant tourist attraction.

The report set out the proposed transfer of management responsibilities of the Landguard nature reserve to the Trust as well an agreement on the ringfencing of car parking revenue to support the Trust's activities. In addition, the report considered how the existing ESC staff who supported the Landguard initiative would be deployed within the new Trust structure; however, since human resource matters would not be resolved in time, delegated authority was being sought to finalise these decisions.

The Leader, referring to Landguard, including the history and the wildlife, stated what a great place it was, he encouraged everybody to visit if they had not already done so.

On the proposition of Councillor Rivett, seconded by Councillor Gallant, it was by unanimous vote

RESOLVED

1. That the principles of the agreement and lease Heads of Terms between the Council and the Trust be approved.
2. That authority be delegated to the Head of Economic Development & Regeneration, in consultation with the Cabinet Member with responsibility for Economic Development, to finalise staffing arrangements in how they pertain to existing East Suffolk Council employees supporting the Landguard initiative.
3. That it be approved that East Suffolk Council enter into an agreement with Landguard Trust on terms which best protect the Council.

11 Leiston Town Centre Masterplan Framework

Cabinet received report **ES/1481** by the Deputy Leader and Cabinet Member with responsibility for Economic Development, the purpose of which was to consider the Leiston Town Centre Masterplan framework document and the high-level conceptual designs contained within, as the basis to guide the future development of Leiston town centre that would attract future private and public sector investment.

It was reported that Leiston has a strong and proud history of industry, however, the decline of the Garrett long shop engineering works had only been partially offset by the Sizewell nuclear developments. More recently, Leiston Town Council and the local community had developed a Neighbourhood Plan for the town including a vision and policies to inform and chart future land use, leisure and amenity plans for Leiston to 2029.

It was proposed that this Masterplan Framework document would provide a basis to inform a review of the current Neighbourhood Plan. The Leiston Community Land Trust (LCLT) had also developed a positive business plan for the town, which proposed the opportunities for regeneration of three key sites – Post Office Square, Church square and Market square. The LCLT had already raised the necessary funding to design and deliver the extensive public realm improvements to Church square, which were formerly opened June 2022.

The Masterplan Framework would provide Leiston with the opportunity to consider the positive work already completed within the town, the existing plans and proposals that had been prepared for three key sites by the LCLT and to develop these further within a wider town centre plan. The Masterplan Framework aimed to address some of the fragmentation that existed across the town, improve the connectivity between the identified character areas, develop Leiston's unique selling point further and provide short to long-term aspirational high level concept design options for the town. Once completed and delivered, this approach would drive sustainable economic viability of the wider town centre, attracting further public and private sector investment, to ensure long term vitality and recovery of the town, and with links to the potential construction of Sizewell C.

The Leader reported that he had visited Leiston soon after becoming ESC's Leader in May 2019; he highlighted the huge aspiration, but limited direction; he welcomed the Masterplan Framework, led by ESC officers, and hugely importantly, the local people too. The Leader referred to strong ambition within the document and, importantly, the fact that it was all deliverable.

Councillor Byatt, after applauding the Masterplan Framework, hoped that Sizewell C might bring in the funds and support Leiston's development; it was confirmed that the Town Council, the CLT, residents and businesses had been heavily involved in the development of the Framework and that was key. The Deputy Leader, referring to Sizewell, stated that within the Development Consent Order (DSO) there were explicit projects that had been agreed with the Town Council and so there would be a joined up approach. Also, within the DCO, there were pots of money for other projects and these could be used. Councillor Byatt welcomed the commitment and enthusiasm of the Town Council.

On the proposition of Councillor Rivett, seconded by Councillor Smith, it was by unanimous vote

RESOLVED

1. That the Leiston Town Centre Masterplan Framework document be approved to inform the future development of development projects within the town.
2. That the subsequent development of projects be approved, to include feasibility and business case development based on the outcomes of the masterplan, including working with other landowners
3. That future funding bid opportunities be approved to draw down external funding support to deliver projects once developed.

12 Environment Task Group - Quarterly Update

Cabinet received report **ES/1481** by the Cabinet Member with responsibility for the Environment which, in his absence, was presented by the Leader.

The Leader reported that, since 2017, ESC's emissions had reduced by 35%, with significant reductions around fleet and attention was now moving to the leisure centre decarbonisation programme, other buildings and assets would follow. The Leader reported that ESC led both internally and where it had the powers and duties to do so and, more importantly, enabled others to take action by working in partnership with organisations across East Suffolk.

The Leader emphasised that the Environment was embedded across ESC's services plans and procurement policy, and was always considered as part of Cabinet and Full Council decisions.

Referring to the current Administration of ESC, the Leader reported on the ambitious programme with over 100 projects related to climate change and the environment and the incoming climate action plan would ensure that the projects were delivered.

In conclusion, the Leader stated that ESC's priorities remained net zero and reducing its footprint, energy, delivery of low carbon energy projects, low energy homes, reducing energy use, increasing use of renewables, nature, biodiversity loss, habitat restoration and a circular economy.

Cabinet welcomed the report, the Cabinet Member with responsibility for Resources particularly welcomed so many aspects with every one of the projects being important to the complete picture. He also commented on the importance of energy related projects, particularly at this time and looking to the future, and how East Suffolk would secure its own energy and making sure that it was renewable energy was so important for every aspect of the Council's work.

Councillor Byatt, after congratulating the Cabinet Member with responsibility for the Environment and the Task Group on its tremendous work, referred to paragraph 3.3 of the report and the issues with water problems related to Sizewell C. The Deputy Leader referred to ESC having recently agreed its responses to the strategies being set up for the Eastern Region for Water; he agreed with Councillor Byatt that it was a concern and that had been commented on within the response. Councillor Rivett reported that Sizewell C had commented that they would not impact the water demand for residents as they would need to have their own bespoke approach.

Councillor Byatt, in conclusion, stated that, under the next Administration, he would welcome an Environment Committee.

Councillor Smith-Lyte, referring to Sizewell C, questioned the fact that the "destruction" had already started on the site, within the bird nesting season, despite the fact that at least 60% of the overall budget was still missing. Councillor Smith-Lyte also expressed concern regarding the water issues.

On the proposition of Councillor Gallant, seconded by Councillor Rivett, it was by unanimous vote

RESOLVED

1. That the report from the Environment Task Group be accepted and approved.
2. That it be confirmed that the Group continues to deliver the task it was set to investigate ways to cut East Suffolk Council's carbon and other harmful emissions.

13 Exempt/Confidential Items

The Leader reported that, in exceptional circumstances, the Council may, by law, exclude members of the public from all, or part of, an executive decision-making meeting; he added that the Council should, unless there were urgent circumstances, give notice of its intention to do so via the Forward Plan, which was updated and published on its website 28 clear days prior to the meeting.

There were various reasons, the Leader commented, that the Council, on occasions, had to do this and examples were because a report contained information relating to an individual, information relating to the financial or business affairs of a particular person, or information relating to any consultations or negotiations.

Tonight, The Leader reported, Cabinet had eight substantive exempt matters to consider as outlined on the published agenda – items 14 to 21.

Item 14 related to the acceptance of funding to deliver a Strength and Balance programme for a five-year period. The delivery of the programme would provide opportunities to build on national ambitions for leisure centres to become 'health and wellbeing hubs' and also to deliver accessible activities in the district. The proposal had synergies with other programmes that may be devolved to district and borough councils by Suffolk Public Health and the two Integrated Care Bodies.

Item 15 related to the Cultural Quarter project in Lowestoft. The proposals within the report were aligned to the wider aspirations of the project.

Item 16 related to entering into a lease agreement related to the Annex building at East Suffolk House here in Melton. Letting of the building would provide a useful income stream to the Council and make best use of a currently underused asset and would help to build partnerships by working with others bodies/local businesses.

Item 17 related to a Hastoe Housing Association development in Southwold, on the former hospital site. The proposals related to the conversion of two shared ownership properties (that remained unsold despite being actively marketed since May 2021) to social rent properties and would provide affordable housing for local residents.

Item 18 related to the development of the former Deben High School site in Felixstowe, known as “Deben Fields”, providing an update on all works progressed since the purchase of the site and sought the necessary funding to proceed with plans to deliver the proposed housing scheme, which would provide much needed services and housing accommodation that would maximise health and well-being for residents and would reduce the reliance on external energy sources compared to the vast majority of homes within the district.

Item 19 related to the procurement of the required contracts for the supply of goods, services and works for the successful delivery of the Council’s Housing Revenue Account maintenance programme.

Item 20 sought the approval of a Memorandum of Understanding, without obligation, for the Council’s participation in the Local Authority Housing Fund (LAHF) programme and to approve that in principle the Council participates in the programme using East Suffolk Property Investments Limited, and that appropriate loan finance be provided to ESPIL subject to a detailed business case being approved by Cabinet and the Audit and Governance Committee. As well as participating in a national scheme which constituted doing the right thing in enabling communities, this would sit within the Council’s wider strategic objectives in relation to housing supply and potentially supporting its financial sustainability aspirations.

And lastly, item 21 related to the approval of a business plan for the first year of East Suffolk Services Limited (ESSL), which would set out how ESSL would operate during its first contract year. The contract with ESSL would ensure the Council had the best possible strategic control of service delivery.

On the proposition of Councillor Gallant, seconded by Councillor Rivett, it was by unanimous vote

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3, 4 and 5 of Part 1 of Schedule 12A of the Act.

14 Exempt Minutes - January 2023

- Information relating to any individual.
- Information that is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

15 Exempt Minutes - February 2023

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

16 Delivery of Strength and Balance Programme

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

17 Cultural Quarter - Sea View House

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

18 ESC Building Lease

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

19 Funding Bid for Tenure Conversion - Southwold Hospital Site - Hastoe HA

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

20 Deben Fields - Project Progress and Financial Update

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

21 Housing Maintenance Procurement

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

22 Provision of Loan Finance to East Suffolk Property Investments Limited

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

23 East Suffolk Services Business Plan

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting concluded at 8.45 pm

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Chairman



CABINET

Tuesday, 06 June 2023

Subject	Appointments to Outside Bodies for 2023/24 (Executive)
Report by	Councillor Caroline Topping Leader of the Council
Strategic Director	Kate Blakemore Strategic Director kate.blakemore@eastsuffolk.gov.uk
Head of Service	Chris Bing Head of Legal and Democratic Services and Monitoring Officer chris.bing@eastsuffolk.gov.uk
Report Author	Nicola Wotton Deputy Democratic Services Manager nicola.wotton@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

Cabinet is asked to consider Appointments to Outside Bodies (Executive) for the 2023/24 Municipal Year, as outlined at Appendix A to this report.

Recommendations:

1. That Councillors be appointed to those Outside Bodies listed in Appendix A for the 2023/24 Municipal Year.
2. That the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by the Cabinet.
3. That the Leader of the Council be granted delegated authority to make any necessary changes to the members of the Outside Bodies for the remainder of the 2023/24 Municipal Year.

Corporate Impact Assessment

Governance:

Appointments to Outside Bodies may be made under the general power in Section 2 of the Local Government Act 2000 – to do anything which is likely to promote the economic, social, or environmental wellbeing of the area, unless specifically prohibited.

The process of Cabinet approving appointments to Outside Bodies, where the role relates to an Executive function of the Council, adheres to the requirements of the Council's Constitution.

Details of the Council's representation on Outside Bodies are included on the Council's website.

Members appointed to Outside Bodies will be asked to present a short report to Full Council, at least once per year, on the work of the Outside Body.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

None.

Financial:

Those councillors formally appointed to external organisations as the Council's representative are able to claim travel expenses in accordance with the Members' Allowance Scheme. These costs can be met from existing resources.

Human Resources:

None.

ICT:

None.

Legal:

None.

Risk:

Members must consider the implications and responsibilities of being involved with Outside Bodies as they must continue to comply with the District Council's Code of Conduct when they are acting as a representative of the Council; comply with the Code of Conduct of the Outside Body they are appointed to if one exists; and declare a personal interest in any business of the District Council as necessary.

External Consultees:	None.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected? <p>Councillors appointed to outside bodies are able to work to help address local issues and to achieve sustainable solutions. This will help to deliver a strong and sustainable local economy and help to improve the quality of life for everyone living and working in the District.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	The Cabinet appoints annually to a wide range of diverse Outside Bodies. The Cabinet considers member representation on Outside Bodies when the role relates to an Executive function carried out by the local authority; the Council considers representation on Outside Bodies where the role relates to a Non-Executive function of the local authority; and the Scrutiny Committee considers representation on Outside Bodies where the role relates to a Scrutiny function of the local authority.
1.2	Some appointments to Outside Bodies are made because of a statutory requirement to appoint one or more members to them. Most appointments to Outside Bodies are discretionary taking into consideration how representation on them adds value.
1.3	Appointment of Members to Outside Bodies provides support to the organisation concerned and enables members to fulfil their community leadership roles.
1.4	Members appointed to Outside Bodies are able to work with and alongside local community groups, helping to empower them in terms of addressing local issues and delivering sustainable solutions.

2 Current position	
2.1	Members were last appointed to Outside Bodies (Executive) 2022/23 by Cabinet at its meeting in June 2022.
2.2	A review of all the Outside Bodies appointments was undertaken in April 2023.
2.3	<p>As a result of the review, the following Outside Bodies (Executive) have been removed from the list:</p> <ul style="list-style-type: none"> • Haven Gateway Partnership • Landguard Partnership Committee (replaced by the Landguard and Felixstowe Conservation Trust) • Leiston Together (replaced by Leiston Place Board) • East Suffolk Norse Joint Venture Partnership Board (due to be disbanded in July 2023) <p>The following Outside Bodies (Executive) have been added to the list:</p> <ul style="list-style-type: none"> • Area of Outstanding Natural Beauty (AONB) Partnership Joint Advisory Committee • East West Rail • East Suffolk Services Ltd Board (to commence in July 2023, replacing the East Suffolk Norse Joint Venture Partnership Board) • Freeport East Supervisory Board • Landguard and Felixstowe Conservation Trust (replaced Landguard Partnership Committee) • Leiston Place Board (replaced Leiston Together) • Resilient Coasts Project Board

	<ul style="list-style-type: none"> • Suffolk Environment Portfolio Holders • Suffolk Growth Portfolio Holders • Suffolk Housing Member Board
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3 How to address current situation

3.1	<p>Outside Bodies can gain a number of benefits from having a Council representative on them, which include:</p> <ul style="list-style-type: none"> • To represent the interests of the Council and to promote the strategic aims of its Strategic Plan; • To provide knowledge, skills and expertise which may not otherwise be available; • To provide local accountability or democratic legitimacy through the appointment of an elected representative; • To ensure that good relationships can be maintained with the body; • To deliver a partnership project that requires the input of other organisations or community groups; • To protect the Council's investments or assets i.e., if the Council has provided grant funding or provides funding for service delivery; • To lever in external funding which is not available to the Council on its own.
3.2	Taking account of all information provided within the report, Cabinet is asked to consider the content of Appendix A.

4 Reason for recommendation

4.1	To ensure that members are appointed to Outside Bodies (Executive) for 2023/24.
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Appendices

Appendices:

Appendix A	Proposed list of appointments to Outside Bodies (Executive) for 2023/24. To follow
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Background reference papers:

None.



CABINET

Tuesday, 06 June 2023

Subject	Appointments to The Shareholder Reference Group (SRG)
Report by	Councillor Caroline Topping Leader of the Council
Supporting Officers	Kate Blakemore Strategic Director kate.blakemore@eastsuffolk.gov.uk Chris Bing Head of Legal and Democratic Services and Monitoring Officer chris.bing@eastsuffolk.gov.uk Nicola Wotton Deputy Democratic Services Manager nicola.wotton@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To approve the appointment of 5 Members to the Shareholder Reference Group (SRG)

Recommendation:

That the appointment of Councillor Caroline Topping, Leader of the Council, Councillor Paul Ashton, Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets, Councillor Toby Hammond, Cabinet Member with responsibility for Economic Development and Transport, Councillor Rachel Smith-Lyte, Cabinet Member with responsibility for the Environment and Councillor Vince Langdon-Morris, Cabinet Member with responsibility for Resources and Value for Money, to the Shareholder Reference Group be approved for a four year term, until the Annual Full Council Meeting in May 2027.

Corporate Impact Assessment

Governance:

To make the necessary appointments to the SRG will enable the Group to carry out its work, as planned.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

Equality Impact Assessments (EIA) have been carried out, as appropriate. No adverse impacts have been identified.

Financial:

The costs of the SRG's administration are absorbed by the Democratic Services/Members budget, in the same way as any other Committee of the Council is accounted for.

Human Resources:

There are no HR implications for the organisation.

ICT:

No impact.

Legal:

The SRG has been set up in accordance with the Terms of Reference and appropriate legal guidance and legislation.

Risk:

There are no particular risks identified with these proposals

External Consultees: None on this occasion

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? <p>The appointments to the SRG, a Committee of Cabinet, will enable them to undertake functions of the Council as shareholder and/or the ultimate owner of the companies in the group that the Council has established/proposes to establish in the future.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	The Council has established a number of companies within a group structure, including East Suffolk Services Limited (ESSL) which will take over services from the current Norse joint ventures in July 2023.
1.2	In order to provide the appropriate control and governance role that the Council needs in relation to its group companies, a committee of Cabinet, known as the Shareholder Reference Group (SRG), was established in September 2022.
1.3	The Shareholder Reference Group carries out the functions of the Council as shareholder/ultimate owner of its group of companies and exercise the Council's rights under the Articles of each company and under the Shareholder Agreement, with the exception of any rights which the Cabinet reserves to itself from time to time or which can only be exercised by Full Council.

2 Current position	
2.1	As per the Terms of Reference, the SRG is made up of the Leader of the Council and four other Cabinet Members.
2.2	<p>The previous Members of the SRG were:</p> <ul style="list-style-type: none"> • Leader of the Council • Deputy Leader and Cabinet Member with responsibility for Economic Development • Cabinet Member with responsibility for Customer Experience, ICT and Commercial Partnerships • Cabinet Member with responsibility for Resources • Cabinet Member with responsibility for the Environment.

3 How to address current situation	
3.1	Following the appointment of a new Cabinet at the Full Council meeting of the 24 May 2023, Members now need to be appointed to the SRG for a four year term so that it can carry out its work.
3.2	<p>It is proposed that the following Cabinet Members be appointed to the SRG:</p> <ul style="list-style-type: none"> • Councillor Caroline Topping, Leader of the Council • Councillor Paul Ashton, Cabinet Member with responsibility for Corporate Services – Digital, Customer Services, HR and Assets • Councillor Toby Hammond, Cabinet Member with responsibility for Economic Development and Transport • Councillor Rachel Smith-Lyte, Cabinet Member with responsibility for the Environment • Councillor Vince Langdon-Morris, Cabinet Member with responsibility for Resources and Value for Money

4 Reason for recommendation

4.1	Cabinet is asked to appoint the Cabinet Members referred to in paragraph 3.2 above to enable to SRG to carry out its business.
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Appendices: None

Background reference papers: None



CABINET

Tuesday, 06 June 2023

Subject	Appointment of a Director and Alternate Director of Freeport East Limited
Report by	Councillor Caroline Topping Leader of the Council
Supporting Officers	Kate Blakemore Strategic Director kate.blakemore@eastsuffolk.gov.uk Chris Bing Head of Legal and Democratic Services and Monitoring Officer chris.bing@eastsuffolk.gov.uk Nicola Wotton Deputy Democratic Services Manager nicola.wotton@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Western Felixstowe Eastern Felixstowe

Purpose and high-level overview

Purpose of Report:

To approve the appointment of a Director and Alternate Director of Freeport East Limited

Recommendation:

1. That Councillor David Beavan be appointed as East Suffolk Council's Director of Freeport East Limited.
2. That Chris Bally, Chief Executive of East Suffolk Council, be appointed as East Suffolk Council's Alternate Director of Freeport East Limited to attend Board meetings in place of the Director when they are unable to attend.

Corporate Impact Assessment

Governance:

To make the necessary appointments to the Freeport East Director position will enable them all to carry out their work, as planned.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

Equality Impact Assessments (EIA) have been carried out, as appropriate. No adverse impacts have been identified.

Financial:

The cost of the Freeport East Director has been budgeted for by Finance.

Human Resources:

There are no HR implications for the organisation.

ICT:

No impact.

Legal:

The Freeport East Director is a statutory post and must be appointed to.

Risk:

There are no particular risks identified with these proposals

External Consultees:

None on this occasion

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? The appointment of an East Suffolk Councils Director to Freeport East enables East Suffolk Council to have input the strategic direction of Freeport East development and for monitoring to ensure the effective delivery of the interventions and strategy of Freeport East.			

Background and Justification for Recommendation

1 Background facts	
1.1	Freeport East was announced in March 2021 as one of eight Freeports in England. It became a 'live' Freeport in December 2021 after government approved the Outline Business Case (OBC) and the three Tax Sites and 7 Customs Sites. The anticipated sub-regional economic benefits from Freeport East are significant and include 13,500 new jobs, additional 1.3m tonnes of international trade and an uplift in sub-regional GVA of up to £16.6bn. East Suffolk Council is the Lead Authority and Accountable Body for Freeport East.
1.2	A Full Business Case was approved by Cabinet in April 2022 and in November 2022 this was approved by the government. Freeport East Limited was incorporated on 6 December 2022.
1.3	There is a requirement for each of the founding member authorities to appoint a Director to the Supervisory Board of Freeport East Limited.

2 Current position	
2.1	Councillor Steve Gallant, Leader of the Council, was appointed as East Suffolk Councils Director of Freeport East Limited on 23 August 2022, and resigned with effect from the 9 May 2023.
2.2	In order for Freeport East Limited to continue to carry out its work, a new Director needs to be appointed by East Suffolk Council.

3 How to address current situation	
3.1	It is proposed that Councillor David Beavan be appointed as East Suffolk Council's Director of Freeport East Limited.
3.2	It is best practice that an Alternate Director be appointed to take the place of East Suffolk Council's Director of Freeport East at any Board meetings where the Director cannot attend. Therefore, it is proposed that Chris Bally, Chief Executive of East Suffolk Council, be appointed as East Suffolk Council's Alternate Director of Freeport East Limited.

4 Reasons for recommendation	
4.1	Cabinet is asked to appoint Councillor David Beavan as East Suffolk Council's Director of Freeport East Limited, and Chris Bally, as East Suffolk Council's Alternate Director of Freeport East Limited, for Freeport East to carry out its work.

Appendices:

None

Background reference papers:

Date	Type	Available From
5 April 2022	ES-1109 Freeport East Full Business Case	



CABINET

Tuesday, 06 June 2023

Subject	Appointments to the Community Infrastructure Levy (CIL) Spending Working Group
Report by	Councillor Caroline Topping Leader of the Council
Supporting Officers	Kate Blakemore Strategic Director kate.blakemore@eastsuffolk.gov.uk Chris Bing Head of Legal and Democratic Services and Monitoring Officer chris.bing@eastsuffolk.gov.uk Nicola Wotton Deputy Democratic Services Manager nicola.wotton@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To approve the appointments to the Community Infrastructure Levy (CIL) Spending Working Group.

Recommendation:

That the appointment of the CIL Spending Working Group be approved, as outlined within Appendix A to this report.

Corporate Impact Assessment

Governance:

To make the necessary appointments to the CIL Spending Working Group will enable them to carry out their work, as planned, in accordance with the legislation.

ESC policies and strategies that directly apply to the proposal:

CIL Spending Strategy, approved in January 2020.

Environmental:

None.

Equalities and Diversity:

Equality Impact Assessments (EIA) have been carried out, as appropriate. No adverse impacts have been identified.

Financial:

The costs of the CIL Spending Working Group's administration are absorbed by the Council's budget, in the same way as any other Working Group of the Council is accounted for.

Human Resources:

There are no HR implications for the organisation.

ICT:

No impact.

Legal:

The CIL Spending Working Group has been set up in accordance with the Terms of Reference and legislation.

Risk:

There are no particular risks identified with these proposals

External Consultees:

None on this occasion

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? The appointments to the CIL Spending Working Group, an Executive Working Group, will enable them to make recommendations on future spending of CIL funds, to ensure the long term sustainability of current and future developments.			

Background and Justification for Recommendation

1 Background facts	
1.1	The CIL Spending Working Group is a cross party group that is responsible for the review of CIL Funding bids and for making recommendations to Cabinet for approval of the proposed CIL Funding allocations.
2 Current position	
2.1	Following the election held on 4 May 2023, the CIL Spending Working Group needs to have Members appointed to it, in order to carry out its work.
2.2	<p>The Terms of Reference require the following appointments:</p> <ul style="list-style-type: none"> • Cabinet Member (or Assistant) with responsibility for Planning and Coastal Management • Cabinet Member with responsibility for Communities, Leisure and Tourism • Cabinet Member with responsibility for the Environment • Chairman of Planning Committee North • Chairman of Planning Committee South • GLI Group Member • Conservative Group Member • Labour Group Member
3 How to address current situation	
3.1	Following the appointment of a new Cabinet at the Full Council meeting of the 24 May 2023, Members now need to be appointed to the CIL Working Group for a four year term so that it can carry out its work.
4 Reason for recommendation	
4.1	Cabinet is asked to appoint the Members referred to in paragraph 2.2 above to enable to CIL Working Group to carry out its business.

Appendices

Appendices:	
Appendix A	<p>Terms of Refence and Proposed Membership of the CIL Working Group</p> <p>To Follow</p>

Background reference papers: None
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CABINET

Tuesday, 06 June 2023

Subject	Adoption of the East Suffolk Community Infrastructure Levy (CIL) Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy
Report of	Cllr Kay Yule, Cabinet Member for Planning and Coastal Management Cllr Vince Langdon-Morris, Cabinet Member for Resources and Value for Money
Supporting Officers	Nick Khan, Strategic Director Nick.khan@east Suffolk.gov.uk Philip Ridley, Head of Planning and Coastal Management Philip.ridley@east Suffolk.gov.uk Adam Nicholls, Principal Planner (Policy and Delivery) Adam.nicholls@east Suffolk.gov.uk 07881 005429

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

That Cabinet recommends that Council resolves to 'adopt' (bring into effect) the East Suffolk Community Infrastructure Levy (CIL) Charging Schedule, along with the East Suffolk CIL Instalment Policy and the East Suffolk CIL Discretionary Social Housing Relief Policy.

CIL is a charge which can be levied by local authorities on new development in their area, to help support the infrastructure needed to support development in their area. The Council currently has two separate CIL Charging Schedules (for the former districts of Waveney and Suffolk Coastal), plus associated Instalment and Discretionary Social Housing Relief policies (again, for each former district). The Broads Authority Executive Area is excluded from the Waveney CIL Charging Schedule (and therefore CIL does not apply there).

The East Suffolk CIL Charging Schedule, which covers all of East Suffolk (apart from the Broads Authority Executive Area), will help to deliver infrastructure to support the housing and other growth set out in the Waveney Local Plan (adopted in March 2019) and the Suffolk Coastal Local Plan (adopted in September 2020), as well as any growth set out in 'made' (adopted) Neighbourhood Plans.

The CIL Charging Schedule sets out five separate CIL Charging Zones for residential purposes, ranging from £0 to £300 per square metre. There are also eight 'strategic' Local Plan site allocations, which each have their own bespoke rates. CIL rates are also set for other kinds of development, including shops, offices and holiday accommodation.

In accordance with the relevant regulations, the draft CIL Charging Schedule was subject to independent examination from July 2022 to April 2023. The Examiner has recommended in his report (see **Appendix A**) that the CIL Charging Schedule be approved (and subsequently adopted), subject to three modifications being made: i) to reflect parish boundary changes which came into effect on April 2023; ii) to correct a minor labelling error; and iii) to set the CIL rate for the Beccles and Worlingham Garden Neighbourhood strategic site to zero (£0).

In order to bring the East Suffolk CIL Charging Schedule into effect, Full Council must so resolve. It is recommended that, to allow appropriate time to transition from the current CIL Charging Schedules (whose CIL rates are, in most cases, different), it comes into effect on 1st August 2023.

There is no requirement for the East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy to be independently examined. It is recommended that they too come into effect on 1st August 2023.

Options:

Bring the East Suffolk CIL Charging Schedule (reflecting the modifications recommended by the Examiner), Instalment Policy and Discretionary Social Housing Relief Policy into effect on 1st August 2023. This would mean the Council has an up-to-date CIL Charging Schedule covering the entire East Suffolk area (excluding the Broads Authority Executive Area), plus up-to-date supporting policies.

To not bring the East Suffolk CIL Charging Schedule, Instalment Policy and Discretionary Social Housing Relief Policy into effect. This would mean that the current Waveney and

Suffolk Coastal CIL Charging Schedules (plus associated Instalment and Discretionary Social Housing Relief policies) would continue to be used. However, this would be a missed opportunity to have consistent and up-to-date documents covering the entire East Suffolk area (excluding the Broads Authority area). Due to the current CIL rates being generally lower, it would also mean that a significantly lower level of CIL would be raised overall, thus not enabling as much money to be directed to help deliver growth-supporting infrastructure. Lower funding for infrastructure may also affect delivery of the planned growth in the Local Plans, in particular strategic sites.

Recommendations:

1. That Cabinet recommends that Council resolves to approve:
 - a. the East Suffolk CIL Charging Schedule (allowing for the modifications recommended by the Examiner to address the areas of non-conformity with the legislative drafting requirements);
 - b. the East Suffolk CIL Instalment Policy; and
 - c. the East Suffolk CIL Discretionary Social Housing Relief Policy,and bring these three documents into effect on 1st August 2023.
2. That Cabinet recommends that Council resolves to authorise the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, to make any relevant presentational and typographical amendments to the East Suffolk CIL Charging Schedule, East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy prior to them coming into effect.
3. That Cabinet recommends that Council resolves to authorise the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, to remedy any “correctable errors” to the East Suffolk CIL Charging (should any be discovered in the period up to six months after the CIL Charging Schedule has been approved).

Corporate Impact Assessment

Governance:

CIL is already in place in East Suffolk (excluding the Broads Authority Executive Area) and the administration of CIL is set out in the relevant legislation; all that would effectively change would be the CIL rates themselves. CIL spending in East Suffolk is governed by the [CIL Spending Strategy](#) (which was most recently amended in September 2022).

ESC policies and strategies that directly apply to the proposal:

There are various policies within the two adopted Local Plans (the [Waveney Local Plan](#) and the [Suffolk Coastal Local Plan](#)) to which CIL is relevant, including, in particular, WLP1.3 (Infrastructure) and SCLP2.2 (Strategic Infrastructure Priorities). Other key strategies include the Council’s [CIL Spending Strategy](#) (approved in January 2020 and updated in September 2022) and the [Infrastructure Funding Statement](#) (most recently published in September 2022).

Environmental:

No direct implications. The draft CIL Charging Schedule will help support growth set out in the adopted Waveney and Suffolk Coastal Local Plans (which themselves were subject to Sustainability Appraisal and Habitats Regulations Assessment). The CIL Charging Schedule does not itself make any land allocations or set any planning policy or environmental requirements directly; however, it is recommended that this is periodically reviewed to ensure that the CIL rates set remain appropriate.

The CIL Charging Schedule has been subject to Strategic Environmental Assessment screening (under the Environmental Assessment of Plans and Programmes Regulations 2004, as amended) and was screened to ascertain whether there would be potential significant effects on European Habitats sites (under the Conservation of Habitats and Species Regulations 2017, as amended). The screening assessments are available at **Appendix B** and **Appendix C** respectively and were consulted on during the consultation on the CIL 'basics' in March and April 2021. No effects were identified, and no consultation responses on the documents asserted otherwise. It is therefore considered that the CIL Charging Schedule will have a neutral environmental impact.

Equalities and Diversity:

No impacts.

An Equality Impact Assessment (EQIA) Screening Opinion was produced to accompany the consultation on the draft CIL Charging Schedule in November 2021 (**Appendix D**). The assessment concluded that there would be no differential negative impacts on those with protected characteristics and no representations were made on the EQIA Screening Opinion. In addition, the Cabinet EQIA has been prepared (reference EQIA516908468). This highlights the fact that the East Suffolk Discretionary Social Housing Relief policy allows for 100% CIL relief for the development of social housing, so is positive for reducing "deprivation/social-economic disadvantage".

Financial:

The production and 'adoption' of the CIL Charging Schedule is covered by the existing budget of the Planning Policy and Delivery Team. As the money raised through CIL charges must be ringfenced for infrastructure spending, by East Suffolk Council, and/or parish/town councils and/or other infrastructure bodies (such as Suffolk County Council) – with the exception of 5% which can be retained by the Council to spend on the administration of CIL (raising charging notices, dealing with queries etc) – the new CIL Charging Schedule will not directly affect the Council's financial position.

Human Resources:

No impacts

ICT:

No impacts

Legal:

The production, examination and bringing into effect ('adoption') of a CIL Charging Schedule is governed by the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If – as in this case – the Examiner has recommended modifications to remedy any areas of non-compliance with the “drafting requirements” of the Act and Regulations, appropriate modifications must be made to the CIL Charging Schedule by the Council before bringing it into effect.

Under the 2008 Act, bringing a CIL Charging Schedule into effect is a matter reserved for Full Council. Bringing a new Instalment Policy and Discretionary Social Housing Relief Policy into effect are not matters reserved for Full Council in legislation, but it is sensible for Full Council to consider them at the same time as the CIL Charging Schedule.

If Council agrees to bring the CIL Charging Schedule into effect, it must publish the Charging Schedule, plus this Cabinet/Council report (which sets out how the Examiner’s identified areas of non-compliance have been remedied), as soon as is practicable, including notifying anyone who has asked to be notified.

Risk:

The Examiner’s recommendations for addressing the areas of non-compliance must be addressed appropriately – and the changes being made are exactly those he has recommended (see below in this report). The risks of bringing the East Suffolk CIL Charging Schedule into effect are therefore believed to be low. The Examiner considers that the CIL rates have appropriate buffers to account for e.g. downturns in the property market, but the Council can always adjust the balance between infrastructure delivery through CIL and S106 agreements through the annual Infrastructure Funding Statement to ensure that key infrastructure to support growth is still secured. CIL is not negotiable, whereas infrastructure delivered through s106 is subject to negotiation. It should be noted that CIL is not allowed under legislation to be used to deliver affordable housing.

Bringing the East Suffolk CIL Instalment Policy and Discretionary Social Housing Relief Policy into effect are considered very low risk.

External Consultees:

There was extensive public consultation at initial basics (spring 2021) and draft CIL Charging Schedule consultation (autumn/winter 2021) stages. In addition, there was the opportunity for anyone to comment on the Council’s Proposed Modifications to the submitted CIL Charging Schedule in summer 2022. Various consultees were involved in the examination process (including the Hearing), including parish/town councils, landowners and members of the public.

The Council also holds monthly infrastructure/CIL meetings with Suffolk County Council and so SCC has been kept apprised of the production and examination of the CIL Charging Schedule.

There was public consultation on two earlier iterations of the Instalment Policy and some changes were made in response to consultation.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? Bringing into effect the CIL Charging Schedule will support the delivery of planned growth (set out in the two Local Plans). This is both through generating funding to be spent on infrastructure and, in so doing, to provide the appropriate financial ‘environment’ for development and investment decisions to be made (by, for example, developers, the Council and Suffolk County Council). Alongside the policies of the CIL Spending Strategy, this will help optimise the Council’s own financial investments in development and infrastructure. In addition, it will assist parish/town councils by enabling them to receive their share of CIL income to spend on their locally-identified infrastructure priorities, as well as still enabling them to bid into the district CIL pot for infrastructure funds, should they wish to do this.			

Background and Justification for Recommendation

1 Background facts	
	Community Infrastructure Levy (CIL) Basics
1.1	The Cabinet paper in November 2021 (ES-0935) , which sought authorisation to publish the CIL Charging Schedule for consultation, submission for examination, and the progression to the end of the examination period, detailed the basics of CIL and the history and current status of CIL in East Suffolk. A summary of what CIL is and the process followed is also given below.
1.2	Community Infrastructure Levy is a charge “ <i>which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area</i> ”. It is not the only way of securing the funding/delivery of infrastructure; planning obligations (also known as Section 106 Agreements) and various kinds of highways legal agreements (Section 38 and Section 278 Agreements) may also be available/used (as appropriate).
1.3	The legislative basis for CIL was introduced through the Planning Act 2008 and it came into force through the Community Infrastructure Levy Regulations 2010. Including coronavirus measures introduced in 2020, there have been 18 separate legislative alterations/amendments affecting CIL since the 2010 Regulations, so CIL remains a complicated area of planning and taxation.
1.4	The proposed rates of CIL – even if £0 (“zero-rated”) – for various development types must be set out in a Charging Schedule, which has to undergo an independent examination before being ‘adopted’. Amendments to an existing CIL Charging Schedule must follow the same approach. For qualifying developments (there are various exemptions to CIL, such as self-build dwellings), CIL is charged on a £ per square metre (m ²) basis.
1.5	CIL was introduced in the former Waveney district in 2013 and in the former Suffolk Coastal district in 2015. In line with CIL regulations, CIL rates must be adjusted annually (on 1 st January), using the Royal Institution of Chartered Surveyors’ CIL Index, “to keep the levy responsive to market conditions”. Mostly this sees an annual increase, but occasionally there will be a decrease. A comparison of the original CIL rates and the current CIL rates is available on the website (links above). As an example, the residential CIL rate for Inner Lowestoft has increased from the original £45 per m ² in 2013 to £71.32 per m ² in 2023 (an increase from the £66.70 it was in 2022).
1.6	In addition to the two separate CIL Charging Schedules, each former Council area has an Instalment Policy (Waveney and Suffolk Coastal). CIL must be paid in full within 60 days of the commencement date of each separate phase of development, and there is no possibility under the legislation to make a viability argument to try to reduce the CIL bill. This early bill (normally well before any houses or other development types have been sold) can have significant cashflow implications for developments. An Instalment Policy can therefore aid the cashflow of development by allowing the CIL bill for each development phase to be paid in separate instalments.

1.7	The Council also has two separate (although essentially identical) Discretionary Social Housing Relief Policies (Waveney and Suffolk Coastal), which enable qualifying social housing developments to avoid needing to pay CIL.
1.8	<p>The Council must publish an annual Infrastructure Funding Statement (IFS), setting out how much money has been raised through developer contributions (CIL and S106), how it has been spent and which types of infrastructure and projects are intended to be funded through CIL. The IFS must set out:</p> <ul style="list-style-type: none"> i) the how much money has been raised through developer contributions (CIL and S106); ii) how it has been spent; and iii) infrastructure projects or types of infrastructure that it is intended to be funded through CIL. <p>The IFS therefore allows flexibility in CIL/S106 funding – infrastructure types or projects can therefore be changed annually, as circumstances alter. The Council published the third IFS (for the year 2021/22) in September 2022.</p>
1.9	Related to the introduction of the IFS, the Council approved its CIL Spending Strategy in January 2020. The Spending Strategy sets out the principles of how the money in the CIL ‘pot’ will be spent/committed, with prioritisation for particular kinds of projects (“essential infrastructure”). It also has details of what bids to the Council for CIL money (to help deliver infrastructure) should include by way of supporting information. The CIL Spending Working Group (a member group, supported by officers) makes decisions on which bids to approve.
1.10	Parish Councils without a ‘made’ (adopted) Neighbourhood Plan are entitled to 15% of the CIL raised in their parish through development (capped at the equivalent of £100 per dwelling). Where there is a ‘made’ Neighbourhood Plan covering their parish, the CIL received is 25% of the amount raised, with no cap.
1.11	East Suffolk Council is entitled to (and does) use 5% of the CIL funds raised to administer the CIL process (checking claims, calculating CIL levy amounts etc). This will continue unchanged under the new East Suffolk CIL Charging Schedule.
	Rationale for preparation of the East Suffolk CIL Charging Schedule
1.12	<p>There are three main reasons why the decision to prepare the East Suffolk CIL Charging Schedule was made:</p> <ul style="list-style-type: none"> i) Both existing CIL Charging Schedules are now quite old (2013 for Waveney and 2015 for Suffolk Coastal), there are some differences between them and they were both in need of review; ii) Local Plans were relatively recently adopted for the two former districts of Waveney (2019) and Suffolk Coastal (2020), with new/updated housing and other allocations and the infrastructure needs to support the growth; and iii) East Suffolk Council was formally created on 1st April 2019, so having a single CIL Charging Schedule for the whole district will help cohesion.
1.13	For similar reasons, and to align with the East Suffolk CIL Charging Schedule, it was sensible to also prepare new East Suffolk versions of the CIL Instalment Policy and CIL Social Housing Relief Policy.
	CIL Charging Schedule Preparation
1.14	The preparation of a CIL Charging Schedule is governed by the Planning Act 2008 and the CIL Regulations 2010 (as amended). Guidance is also provided in the national Planning Practice Guidance on Community Infrastructure Levy. The

	process of preparation of the CIL Charging Schedule was undertaken in accordance with the relevant legislation and guidance, and involved public consultation and an independent Examination, detailed below.
1.15	The preparation of the CIL Charging Schedule has been overseen by the Council's Local Plan Working Group. Local Plan Working Group has inputted and advised at key stages, and has also received regular updates at their meetings throughout.
1.16	Viability consultants were appointed to undertake viability assessment and to recommend appropriate CIL rates. The appointed consultants, Aspinall Verdi, have provided and updated evidence throughout the process as needed.
	CIL Charging Schedule Preparation – basic assumptions consultation
1.17	A consultation on basic costs, values and other assumptions (to help underpin the preparation of the draft CIL Charging Schedule) took place in March-April 2021. Consultation on the draft CIL Instalment Policy also took place. The Council was assisted in the viability work throughout the production and examination of the CIL Charging Schedule by its appointed consultants, Aspinall Verdi.
1.18	The representations received were considered carefully and helped inform the draft CIL Charging Schedule. Some amendments to the draft Instalment Policy were also made as a result.
	Draft East Suffolk CIL Charging Schedule consultation
1.19	At their meeting on 2nd November 2021 , Cabinet agreed to issue the draft CIL Charging Schedule (and the draft Instalment Policy) for public consultation and this consultation ran from 11 th November to 23 rd December 2021. Everyone on the Planning Policy mailing list was consulted, which includes parish/town councils, landowners, developers, agents, infrastructure providers, neighbouring local authorities, Suffolk County Council and many East Suffolk residents and businesses.
1.20	The representations received were considered carefully and a number of modifications were proposed to the draft Charging Schedule and (separately) the draft Instalment Policy as a result.
	Submission and examination of the draft East Suffolk CIL Charging Schedule
1.21	The draft CIL Charging Schedule was formally submitted for examination on 8 th July 2022 to Mr Andrew Seaman MRTPI, an independent CIL Examiner, of company Intelligent Plans and Examinations. Background evidence and information was submitted at the same time, including the key evidence informing the proposed rates in the CIL Viability Review Update (June 2022), and all examination material is available to view at https://eastsuffolk.inconsult.uk/CILEXA2022/viewContent?contentid=937267 .
1.22	Because the Council proposed, on submission, some modifications to the draft CIL Charging Schedule , during the first four weeks of the examination period, interested parties were able to make representations on these modifications, for the Examiner's consideration.
1.23	The Examiner decided that a public Examination Hearing would be necessary to enable those who had expressed a wish to be so heard by him. Following publication of his Matters & Issues questions on 9 th September 2022, the Hearing took place at East Suffolk House, Melton, on 11 th October 2022.

1.24	At the Hearing, the Examiner invited the Council to prepare and submit notes and updated evidence on two specific topics and, once published later, interested parties were given time to comment on them (again, the Examination website has full details). Subsequently, the Examiner wrote to the Council asking for a review of evidence in relation to the Beccles & Worlingham Garden Neighbourhood site. Revised evidence was submitted including a Statement of Common Ground between the Council and land-owning interests. The Examiner undertook a final round of consultation on the additional evidence with interested parties.
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2 Current position	
2.1	The Examiner issued his report and recommendations (see Appendix A) to the Council on 19 th April 2023. As required by the CIL legislation, the Council publicised the recommendations shortly afterwards, including publishing it on the website, lodging copies of the report in East Suffolk libraries and Customer Contact Centres (in Lowestoft, Woodbridge and Felixstowe) and informing those who had asked to be informed of its publication.
2.2	The Examiner concluded that the draft CIL Charging Schedule, as submitted in July 2022, is not compliant with the relevant legislative drafting requirements. However, the Examiner has recommended three modifications that would remedy the areas of non-compliance.
2.3	The Council is not bound to make the specific modifications recommended by the Examiner, as long as the areas of non-compliance are addressed appropriately. However, it is recommended to Cabinet that the modifications made are exactly as proposed by the Examiner.
	'Standard' C3 residential CIL charges
2.4	The submitted draft CIL Charging Schedule proposed five different residential zones for 'standard' use class C3 dwellings, based on the differing viability across the district (see the final CIL Charging Schedule, Appendix F, for the map), with the following CIL rates (two of them zero-rated): <ul style="list-style-type: none"> • Zone 1 (Higher): £300 per m² • Zone 2 (Mid Higher): £200 per m² • Zone 3 (Mid): £100 per m² • Zone 4 (Mid Lower): £0 per m² • Zone 5 (Lower): £0 per m²
2.5	The Examiner concluded (paragraph 159 of his report) that the delineation of the different residential charging zones, and the rates themselves, are justified.
	Specialist accommodation
2.6	Specialist accommodation is defined in the draft CIL Charging Schedule as Sheltered Housing, Extra Care Housing and Residential Care Homes (<i>not purely age-restricted accommodation (55+, 60+ etc), which is treated as standard residential accommodation for CIL purposes</i>). All were proposed as zero-rated, there not being sufficient viability for any level of CIL charge.
2.7	The Examiner concluded (paragraph 160 of his report) that the zero rates for the various types of specialist accommodation are warranted.
	Strategic sites

2.8	<p>Bespoke residential CIL rates for eight 'strategic' sites were proposed in the submitted draft CIL Charging Schedule (<i>note: East Suffolk Council is the landowner of part of the North Felixstowe and Kirkley sites</i>):</p> <ul style="list-style-type: none"> • South Saxmundham Garden Neighbourhood: £100 per m² • North Felixstowe Garden Neighbourhood: £65 per m² • Land off Howlett Way, Trimley St Martin: £160 per m² • Brightwell Lakes/Adastral Park, Martlesham: £0 (zero) per m² • Land south of The Street, Carlton Colville/Gisleham: £90 per m² • Beccles and Worlingham Garden Neighbourhood: £30 per m² • North of Lowestoft Garden Village: £60 per m² • Kirkley Waterfront and Sustainable Urban Neighbourhood: £0 (zero) per m² <p>The variation of CIL values between the sites is due to (amongst other elements) differences in land and property values, constraints (such as flood risk), Local Plan policy/infrastructure requirements (such as new junctions and primary schools) and the proposed residential densities – this is explained and justified in the CIL Viability Review Update (June 2022).</p>
2.9	<p>Of these sites, Brightwell Lakes is zero-rated in the current Suffolk Coastal CIL Charging Schedule and was granted outline planning permission in 2019 on that basis (with reserved matters for the first housing phases granted permission in 2022), so it was not considered appropriate to change the rate. Kirkley Waterfront is likewise zero-rated in the Waveney CIL Charging Schedule, but the vast majority of the site has yet to be re-developed. Given the low land and property values there, plus considerable other constraints (such as contaminated land), it was considered that the site is not viable for CIL.</p>
2.10	<p>The Examiner concluded that, with the exception of the Beccles and Worlingham Garden Neighbourhood, the CIL rates for the strategic sites are justified and appropriate.</p>
2.11	<p>There was considerable debate about the Council's proposed £30 per m² rate for the Beccles and Worlingham Garden Neighbourhood. This rate was strongly opposed by the landowners and their representatives throughout the process, who considered that the site's viability (due to various cost requirements and cost uncertainties) was such that a zero rate was the only appropriate conclusion. Other consultees put forward representations suggesting the rate should be higher than £30 per m². The Examiner discusses the matters at length in his report (paragraphs 89-129).</p>
2.12	<p>The Council defended its proposed rate at the Hearing and in the considerable engagement and submissions that followed, including in a Statement of Common Ground with the landowner interests (see the Examination Library for further details). In summary, however, the Examiner recommended (paragraph 128 of his report) a zero rate:</p> <p>"The Beccles and Worlingham Garden Neighbourhood is a significant and key site for the development plan within East Suffolk. As noted in the SoCG, there are significant costs to bringing the site into fruition. I find that the balance of evidence shows that the Council is at risk of underestimating such costs which are sensitive to changes and which logically would warrant an adequate buffer to ensure development viability. Such a buffer does not persuasively exist even if a CIL charge is reduced from £30 to £10/sqm. There is no indication that values will increase sufficiently to offset such costs. I agree with the Council's</p>

	advisors [<i>Aspinall Verdi</i>] that a cautious approach should be taken when setting CIL charges. As a consequence, the proposed rate would result in a low and inadequate buffer that unacceptably risks the delivery of the site and as consequence would undermine the deliverability of the development plan. No other charge is evidentially justified with an adequate buffer, and I therefore conclude that a nil charge is warranted. Should additional evidence arise in the future, the Council will be able to review the position.”
	Other rates
2.12	<p>The rates for various other types of development in the submitted draft CIL Charging Schedule were:</p> <ul style="list-style-type: none"> • Holiday lodges in defined coastal areas: £210 per m² • Holiday lodges – all other areas: £0 per m² • Convenience retail: £70 per m² • Comparison retail: £0 per m² • Employment (offices, industrial, warehouses): £0 per m² • All other development: £0 per m²
2.13	The Examiner concluded (paragraphs 146 and 155), that the rates proposed are justified.
	East Suffolk CIL Instalment Policy
2.14	The draft East Suffolk CIL Instalment Policy was prepared and consulted on at the same time as the initial and draft CIL Charging Schedule in 2021 and some appropriate changes made as a result of the consultations. It did not need to be independently examined but was submitted to the Examiner as a background document. It has a small number of changes compared to the existing Waveney and Suffolk Coastal Instalment policies, including allowing the largest development phases (of over £1m) to pay their CIL bill in five instalments, rather than the current four. The preparation of the CIL Instalment Policy has also been considered by the Local Plan Working Group.
	East Suffolk CIL Discretionary Social Housing Relief Policy
2.15	The East Suffolk CIL Discretionary Social Housing Relief Policy did not need to be examined either. As a straightforward document (the CIL Regulations are prescriptive about what must and must not be included) public consultation was not considered necessary (and it is not required by legislation) and, allowing for the passage of time, it is not significantly different to the current Waveney and Suffolk Coastal policies. The Discretionary Social Housing Relief Policy has been considered at a meeting of the Local Plan Working Group.

3 How to address current situation

3.1	As discussed above, in order to bring the East Suffolk CIL Charging Schedule into effect, a resolution of Full Council is required. It makes logistical sense for Full Council to also approve the East Suffolk CIL Instalment Policy and East Suffolk CIL Discretionary Social Housing Relief Policy at the same time. The Local Plan Working Group considered the final CIL Charging Schedule, the CIL Instalment Policy and the Discretionary Social Housing Relief Policy in advance of it being
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	brought to Cabinet and Council at their meeting on 27 th April 2023 (in the context of the Examiner's Report).
3.2	<p>The Examiner made three recommendations for Proposed Modifications (PMs) to the draft CIL Charging Schedule to address areas of non-conformity with the 'drafting requirements' (see the Appendix of his report). They are (summarised):</p> <p>PM1: Amend Appendix A to reflect final adopted changes to a small number of parish/ward boundaries [<i>which arose through the East Suffolk Community Governance Review and came into effect in April 2023</i>]</p> <p>PM2: Correct numbering in the table on page 2 to 1.4: "Table 3.4 1.4 – Other Rates"</p> <p>PM3: Amend the rate for the Beccles and Worlingham Garden Neighbourhood to £0 per m² (from £30 per m²).</p>
3.3	It is recommended that the Examiner's recommendations are made without any alterations – they are clear and unambiguous.
3.4	The Council cannot refuse to make any of the modifications, make substantively different modifications or make wholly new modifications. The only alternatives to not accepting the substance of the Examiner's recommendations would be to prepare an amended draft CIL Charging Schedule, consult on it and then submit this for independent examination or to retain the existing CIL Charging Schedules.
3.5	The final East Suffolk CIL Charging Schedule (incorporating the Examiner's recommended modifications) is at Appendix E , with the East Suffolk CIL Instalment Policy at Appendix F and the East Suffolk CIL Social Housing Relief Policy at Appendix G .
3.6	<p>It is recommended that the three documents are brought into effect on 1st August 2023, rather than immediately or at an intermediate date (like 1st July), due to the following principal reasons:</p> <ul style="list-style-type: none"> • Time is needed to update the back-office CIL systems and various pages of the Council's website with the new CIL Charging Schedule information • The CIL team needs to write to all those with existing (unimplemented) planning permissions to inform them of the new CIL rates in advance of them coming in, re-issuing CIL liability notices • There is also a need to allow for a lead-in time for planning applications already in the system to (as appropriate) be finalised and issued ahead of the new CIL rates, although no guarantees can or will be offered that any specific planning applications will or will not be approved and issued ahead of 1st August 2023 • More general awareness-raising (for example, with parish councils and small developers) of the new CIL rates is necessary. The Council's website will be updated with useful information, including Frequently Asked Questions
3.7	An Equality Impact Assessment, Habitats Regulation Assessment, and Strategic Environmental Assessment were prepared and consulted on during the production of the draft CIL Charging Schedule (see appendices B-D). No issues were raised in response to any of the documents.
3.8	It is important to note that any planning permissions issued before 1 st August 2023 will still be on the (now current) Suffolk Coastal or Waveney CIL rates, with the relevant current Social Housing Relief Policy also still applying, even if

	development has not yet commenced and CIL liability not yet been assumed. For this reason, the current Charging Schedules and Policies will remain on the Council's CIL website, although in a subsidiary position.
3.9	The CIL legislation allows for any "correctable errors" (broadly, errors which would not affect the actual CIL rates, such as typos or minor clarifications) in the CIL Charging Schedule to be corrected up to six months after the Charging Schedule has been approved. As a relatively short and straightforward document it is not considered that there are any such errors, but if any emerge, authorisation is sought in the recommendations for such corrections to be made.

4 Reason/s for recommendations

4.1	Bringing into effect the East Suffolk CIL Charging Schedule, plus the East Suffolk CIL Instalment Policy and the East Suffolk CIL Discretionary Housing Relief Policy, will ensure that there is an up-to-date CIL policy position. With the changes in rates from the existing CIL Charging Schedule better reflecting current land and development costs and values, this will enable higher CIL income (overall) to be raised. This, in turn, will enable a higher amount of infrastructure to be delivered, to support growth set out in the two Local Plans (plus any growth identified in Neighbourhood Plans).
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Appendices

Appendices:

Appendix A	Examiner's Report and Recommendations on the East Suffolk Draft CIL Charging Schedule (April 2023)
Appendix B	Strategic Environmental Assessment Screening Opinion (November 2021), produced to accompany consultation on Draft CIL Charging Schedule
Appendix C	Habitats Regulations Assessment Screening Statement (November 2021), produced to accompany consultation on Draft CIL Charging Schedule
Appendix D	Equality Impact Assessment Screening Opinion (October 2021), produced to accompany consultation on Draft CIL Charging Schedule
Appendix E	Final East Suffolk CIL Charging Schedule
Appendix F	East Suffolk CIL Instalment Policy
Appendix G	East Suffolk CIL Social Housing Relief Policy

Background reference papers:

Date	Type	Available From
March 2019	East Suffolk Council - Waveney Local Plan	https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/
September 2020	East Suffolk Council - Suffolk Coastal Local Plan	https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/

September 2022	East Suffolk CIL Spending Strategy	https://www.eastsuffolk.gov.uk/assets/Planning/Community-Infrastructure-Levy/CIL-spending/CIL-Spending-Strategy.pdf
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AN EXAMINATION UNDER SECTION 212
OF THE PLANNING ACT 2008 (AS AMENDED)

**REPORT ON THE EAST SUFFOLK COUNCIL
COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE**

Independent Examiner (appointed by the Council): Andrew Seaman BA (Hons)
MA MRTPI

Charging Schedule Submitted for Examination: 8 July 2022

Date of Final Report: 19 April 2023

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Main Findings - Executive Summary

In this report I conclude that the East Suffolk Community Infrastructure Levy Draft Charging Schedule, subject to a modification (**PM3**) which updates the CIL for Beccles and Worlingham Garden Neighbourhood to £0 per sqm, provides an appropriate basis for the collection of the levy in the remainder of East Suffolk.

The Council has provided sufficient evidence that shows the proposed rates, as modified, would not threaten delivery of the development plan for East Suffolk.

For completeness, I further recommend **PM1** (factual parish/ward boundary updates) and **PM2** (an erroneous table reference).¹

Introduction

1. I have been appointed by East Suffolk Council, the charging authority, to examine the East Suffolk Community Infrastructure Levy (CIL) Draft Charging Schedule. I am a chartered town planner with 35 years of experience, including 13 as a Government Planning Inspector examining development plan documents.
2. This report contains my assessment of the Draft Charging Schedule in terms of compliance with the requirements in Part 11 of the Planning Act 2008 as amended ('the Act') and the Community Infrastructure Regulations 2010 as amended ('the Regulations').² Section 212(4) of the Act terms these collectively as the "drafting requirements". I have also had regard to the National Planning Policy Framework (NPPF) and the relevant elements of the Planning Practice Guidance (PPG).³
3. To comply with the relevant legislation, the submitted Draft Charging Schedule must strike what appears to the charging authority to be an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The PPG states⁴ that the examiner should establish that:
 - the charging authority has complied with the legislative requirements set out in the Act and the Regulations;

¹ PM1 and PM2 comprise 'other modifications' recommended under section 212A(6) of the Planning Act 2008 (as amended).

² The Regulations have been updated through numerous statutory instruments since 2010, including notably the Community Infrastructure Levy (Amendment) (England)(No. 2) Regulations 2019, which came into force on 1 September 2019 (subject to a transitional arrangement in relation to Part 3 of the 2010 Regulations).

³ The CIL section of the PPG was substantially updated on 1 September 2019 and further revised on 16 November 2020, 5 April 2022 and 4 January 2023.

⁴ See PPG Reference ID: 25-040-20190901.

- the draft charging schedule is supported by background documents containing appropriate available evidence;
 - the charging authority has undertaken an appropriate level of consultation;
 - the proposed rate or rates are informed by, and consistent with, the evidence on viability across the charging authority's area; and
 - evidence has been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see NPPF paragraph 34).
4. The Council undertook a public consultation on its Draft Charging Schedule from 11 November 2021 to 23 December 2021. A summary of the responses has been published.⁵ The Council subsequently consulted upon a Statement of Modifications (2022), from 8 July 2022 to 5 August 2022, which contained alterations to the Draft Charging Schedule. The additional representations received have been taken into account. The Examination has been undertaken on the basis of the Draft Charging Schedule as modified, the written consultation representations submitted and with regard to the Hearing which was held on 11 October 2022 and the subsequent submissions.
5. Following the Hearing the Council undertook to clarify a number of matters arising.⁶ An 'Additional Evidence Note' dated 21 October 2022 was prepared with an 'Addendum Report' to include:
- Updates to the viability assessments to include all SANG (Suitable Alternative Natural Greenspace) costs (previously omitted in part);
 - Updates to the infrastructure costs in the viability assessments to reflect the recently published 2021/22 Infrastructure Funding Statement (IFS);
 - Consideration of the cashflow analysis presented by DLP Planning Ltd (representing Larkfleet) and Ingleton Wood (representing Chenery's Farm Partnership and Beccles Townlands Trust); and
 - Calculation of an updated CIL funding gap.

An East Suffolk Community Governance Review Note⁷ was also prepared which clarified intended changes to parish boundaries. Woodbridge Riverside Parish ward would be altered as detailed in the note. The applicability of the CIL rates remains justified notwithstanding that the amended ward is in CIL Zone 1. For completeness, I recommend that the draft Charging Schedule be modified to reflect the changes adopted by the Council and indicated in the Review Note (**PM1**).

6. Subsequently, a period expiring on 14 November 2022 was given to interested parties to respond as necessary in relation to the submitted

⁵ View at: <https://eastsuffolk.inconsult.uk/CILEXA2022/viewContent?contentid=937299>

⁶ Document C12 et al.

⁷ Document C11.

material. Two responses were received.⁸ All relevant evidence is on the Examination website.

7. On 6 January 2023, I corresponded⁹ with East Suffolk Council in order to identify certain matters of contention in relation to the proposed CIL rate for the strategic development site of Beccles and Worlingham Garden Neighbourhood and to invite the Council to review its position and, if practical, to agree a Statement of Common Ground (SoCG) with the site proponents which may lead to an alternative charging rate if justified.
8. The Council submitted a SoCG and additional evidence which I received on 6 February 2023. The Council confirmed that it did not wish to alter its Draft CIL charging rate for the site. Thereafter I requested from the Council additional sensitivity analysis of the proposed CIL rate, to test potential alternative charge rates. This information was received on 16 February 2023.¹⁰ In the interests of transparency and fairness, I subsequently provided a period of three weeks (to 10 March) for interested parties to comment upon all of this additional information. One response was received.¹¹ All of the submitted evidence has been taken into account. I have considered the need for a further hearing session but the SoCG is clear as are the written positions of the respondents. I have reached a judgement accordingly. My findings in relation to these site specific matters are provided in the *Strategic Sites* section below.
9. East Suffolk Council was formed by a merger of Waveney and Suffolk Coastal District Councils in 2019. Both previous authorities had introduced CIL: the Waveney CIL Charging Schedule (adopted 2013) and the Suffolk Coastal CIL Charging Schedule (adopted 2015). CIL rates in both areas have been increased annually, in line with CIL Regulations. The development plan within the new Council area includes the East Suffolk Council Suffolk Coastal Local Plan (SCLP) and the East Suffolk Council Waveney Local Plan (WLP). These cover both the former Suffolk Coastal and Waveney Districts. The Broads Authority Local Plan covers the Broads Authority area in the north.
10. The adopted Charging Schedules are relatively straightforward in their content. Within the former Suffolk Coastal area rates are levied on residential development dependent on the value of defined areas (excluding Adastral Park) with additional rates applicable to certain forms of retail development. Within the former Waveney District, varied CIL rates are applied across 4 zones in conjunction with rates applicable to holiday lets and certain retail developments.
11. The Council has decided to produce a single Charging Schedule to reflect the revised administrative boundary of East Suffolk and the associated evidence collated in respect of development, infrastructure requirements and viability

⁸ Documents C13 and C14.

⁹ Document C15.

¹⁰ Documents C16-C24.

¹¹ Document C25.

within its geographic context. The CIL Charging Schedule does not apply to the Broads.¹²

12. The submitted Draft Charging Schedule remains relatively straightforward in its approach. Tables 1.1 to 1.4 apply. It identifies 5 residential charging zones across the administrative area; three chargeable rates of CIL apply to residential development in Zones 1-3 (nil rates are set for Zones 4 and 5). Nil rates are set for specialist accommodation as described in the Charging Schedule. The Charging Schedule applies specific charging rates for the 8 strategic sites contained in the development plan (see Table 1.3). Table 3.4 (sic) sets charging rates for certain types of holiday lodge development in defined coastal areas and new convenience retail floorspace. In the interests of clarity, this table should be correctly labelled 1.4 (PM2). Nil rates apply for certain types of holiday lodge development in all other areas, comparison retail, employment and other development.
13. The Charging Schedule confirms that the CIL rates will be adjusted annually using the RICS CIL index. Appendix A of the Draft Charging Schedule identifies the relevant Charging Zones (see PM1).
14. The Council has opted to produce a Draft Instalment Policy (see page 6¹³) explaining how an effective phased payment of due rates may be made, linked to the scale of the affected development. This is not part of the current Examination.

Has the charging authority complied with the legislative requirements set out in the Act and the Regulations, including undertaking an appropriate level of consultation?

15. The Community Infrastructure Levy Regulations 2010 (as amended) apply, including the amendments made by the Community Infrastructure Levy (Amendment)(England)(No. 2) Regulations 2019.
16. Consultation on the basic assumptions underpinning the Draft Charging Schedule was undertaken between 15 March and 26 April 2021. Formal consultation was subsequently held on the Council's Draft Charging Schedule between 11 November and 23 December 2021. The process and outcomes of both consultations are summarised in the Council's Statement of Consultation.¹⁴
17. The latter consultation involved the publication of the supporting documents and the relevant Draft Charging Schedule on the Council website, alerting subscribers to the Council's planning policy updates list, informing the statutory consultation bodies and others on the consultation database, and

¹² References to East Suffolk within this report relate to the administrative area excluding the Broads.

¹³ View at: <https://eastsuffolk.inconsult.uk/gf2.ti/f/1402882/139312645.1/PDF/-/A2%20East%20Suffolk%20Draft%20CIL%20Instalment%20Policy.pdf>

¹⁴ View at: <https://eastsuffolk.inconsult.uk/gf2.ti/f/1402882/139312965.1/PDF/-/A4%20Statement%20of%20Consultation.pdf>

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through the publication of notices in local newspapers and via the Council's social media outlets. The information made available included where the Draft Charging Schedule and supporting evidence, including the Aspinall Verdi CIL Review Update Report, were available for inspection and how responses could be made. In total, there were 37 respondents to the consultation upon the Draft Charging Schedule and 9 responses to the Draft CIL Instalment policy.

18. Modifications¹⁵ were subsequently made to the Draft Charging Schedule. These were consulted upon in similar fashion during July and August 2022, whereby further responses were received.
19. On the basis of the available evidence and subject to my findings below, I am satisfied that the charging authority complied with the legislative requirements set out in the Act and the Regulations, including in respect of:
 - the statutory processes, including an appropriate level of public consultation;
 - consistency with the adopted development plan with regard to the latest IFS; and
 - and is supported by a reasonable financial appraisal.

I also consider it compliant with national policy and guidance applicable to the legislative requirements for CIL production as contained in the NPPF and PPG respectively.

Is the draft charging schedule supported by background documents containing appropriate available evidence?

20. The Draft Charging Schedule is supported and informed by a number of evidence documents. Of particular relevance¹⁶ to infrastructure and economic viability are:
 - Aspinall Verdi CIL Review Update Report (June 2022);
 - Aspinall Verdi CIL Review Report (October 2021);
 - Waveney Local Plan¹⁷ and Whole Plan Viability Appraisal;
 - Suffolk Coastal Local Plan¹⁸ and Whole Plan Viability Appraisal;
 - Infrastructure Funding Statements (2019/20; 2020/21);
 - Additional Evidence Note (21 October 2022); and
 - SoCG, viability addendum and correspondence (February 2023).

Infrastructure Planning Evidence

21. The extant development plan highlights the need for the effective provision

¹⁵ View at: https://eastsuffolk.inconsult.uk/gf2.ti/f/1420066/139373221.1/PDF/-/A6%20Statement%20of%20Modifications%20_June%202022_.pdf

¹⁶ See Examination Library.

¹⁷ Including supporting evidence such as the Local Plan Infrastructure Study.

¹⁸ See evidence base for relevant infrastructure evidence.

of necessary infrastructure¹⁹ in support of the proposed levels of development across the East Suffolk area.

22. SCLP Policy SCLP3.5 establishes the intention for the Council to work with relevant partners in the provision of necessary infrastructure and carries an expectation that all development will be expected to contribute as necessary towards infrastructure provision to meet the needs generated. Such provision is intended to be secured through both CIL and Section 106 planning obligations. WLP Policy WLP1.3 also indicates that a partnership approach will be taken towards the provision of infrastructure utilising both CIL and Section 106 planning obligations.
23. The clear expectation within the development plan is that the charging of CIL will contribute to the provision of necessary infrastructure, for example in relation to flood risk, highway works and education.
24. The WLP provides for the delivery of a minimum of 8,223 dwellings (2014-2036) and 5,000 additional jobs, with the provision of 43 hectares of employment land and 2,200sqm (net) of convenience and 11,000sqm (net) of comparison retail floorspace. The spatial distribution of this development is focussed upon the Lowestoft area. The WLP contains a number of strategic site allocations.
25. The SCLP, as indicated by Policy SCLP3.1, states that over the period between 2018-2036 at least 9,756 new dwellings will be provided, 6,500 jobs will be created with 11.7ha of employment land and the provision of between 4,100 – 5,000sqm of convenience and 7,700 - 13,100sqm of comparison retail floorspace. The policy identifies the need for the provision of infrastructure to support the planned levels of growth based on a clear hierarchy of settlements, including land east of Ipswich.
26. The Council has prepared an annual IFS. The latest iteration²⁰ (2021/2022) updates that previously submitted with the Examination²¹ and estimates that, with regard to other sources of infrastructure funding available to support the growth envisaged in the development plan, there is likely to be a funding gap estimated at £68m.²² The Council's Additional Evidence Note incorporates consideration of the updated IFS for the proposed CIL.
27. The IFS provides a detailed list of infrastructure requirements linked to the implementation of the development plan.²³ Its tabular format lists the categories and types of infrastructure required in specific parts of the Council area, who will be responsible for ensuring its delivery, when it may be required, how much it may cost and from where the funding may arise. It includes highway matters, education provision, health needs, the provision of

¹⁹ See in particular Appendix 2 of the Waveney Local Plan and Appendix B of the Suffolk Coastal Local Plan.

²⁰ Document C6.

²¹ Document A27.

²² Table 1, Document C12.

²³ See Appendix C et al.

necessary utilities (e.g., electricity supply), waste management, policing, library services, community services such as centres, green infrastructure, sports and leisure provision, coastal protection and flooding. Sources of funding vary and include contributions to be derived from S106 planning obligations, developer finance and from Suffolk County Council alongside regional and national funds. It is clear from the IFS that there are challenges to ensuring the timely provision of required infrastructure. This is not a matter of dispute.

28. The IFS is based upon liaison with key infrastructure and developer partners and, whilst recognised as representative of a snapshot in time, it is a robust source of evidence which is intended to be updated on an iterative basis.
29. As far as currently practical on known projects, costs and funding sources, the Council has calculated that the funding gap between infrastructure requirements and its provision is substantial. There is no substantive evidence to the contrary. It is consequently apparent that the CIL is a relevant and necessary source of funding to mitigate risks to effective infrastructure provision. There is no reasonable contention as to the need for an appropriate CIL charge within East Suffolk.
30. In the light of the information provided and mindful of the extant CIL Charging Schedules, the submitted Draft Charging Schedule, to a relative extent, would make an appropriate contribution towards meeting the funding requirements for infrastructure. The infrastructure planning evidence demonstrates adequately the need to continue to charge a CIL across East Suffolk.

Economic Viability Evidence

31. The Council's submitted Draft Charging Schedule is supported by specific evidence commissioned from consultants Aspinall Verdi who also undertook the Whole Plan Viability Studies in support of the WLP and SCLP. As noted in the Council Cabinet Report²⁴, the consultancy was commissioned to, in effect, update and align its work in support of the development plan to underpin the Draft Charging Schedule. Aspinall Verdi published its CIL Review Update in June 2022²⁵ which includes consideration of national policy and guidance in its methodology. The Additional Evidence Note and Addendum (October 2022) plus the SoCG, evidence and analysis (February 2023) provide further updates.
32. In summary, the viability evidence of the Council indicates that the continuation of a CIL is justified to reflect current circumstances within East Suffolk and the Draft Charging Schedule is supported by background documents containing applicable available evidence.

²⁴ Document A17.

²⁵ Document A8.

Main Issue: Are the identified Value Zones and sales value assumptions used in the Council's viability evidence justified and reasonable?

33. The evidence collated by Aspinall Verdi indicates that there are variations in residential sales values across East Suffolk. This data has been used to establish 'Value Zones' across the area (as shown at Figure 5-2 and historically in Appendix 3²⁶). The CIL Review Update Report contains appropriate updates to earlier iterations of the evidence.
34. The CIL Review Update Report has assessed development market values on the basis of national and regional data, evidence from previous viability work, Land Registry data, consultation with a rural land agent and sales data. The gathered data relates to land values, new build sold prices and statistics for resales and is collated across East Suffolk. Brownfield land values ranged from £197,500 per gross ha in the Lower Value Zone and £222,300 elsewhere (including a 10% landowner premium). Greenfield values are set out in Table 5.23.
35. The CIL Review Update Report notes that the requirement for affordable housing will be considered in line with the provisions of the development plan and in particular Policies SCLP5.10 and WLP8.2. Regard has subsequently been had to the national policy requirement for First Homes which is a reasonable assumption. The CIL Review Update Report therefore assumes a baseline requirement for 33% affordable housing, within which First Homes is a specific tenure requirement that constitutes 25% of affordable provision, whilst 25% would be shared ownership and 50% affordable rent. Strategic sites are adjusted according to the development plan policy requirements which is appropriate and reasonable.
36. The CIL Review Update Report assesses affordable housing values with regard to a limited amount of market data. The transfer value of affordable housing varies between 50% and 75% of market value. In the absence of alternative evidence, the assumptions, as summarised in Table 5.16, appear reasonable.
37. I am mindful that the available data relevant to property values is frequently in a state of flux and subject to variations over relatively short time periods and, spatially, over relatively short distances. This presents challenges in establishing an accurate understanding of values which can inform judgements on development viability across any administrative area. I am also mindful that evidence in support of a CIL should be reasonable and proportionate. As a consequence, I accept that the approach outlined within the CIL Review Update Report, Section 5 and Appendix 2 in particular, and the datasets which are drawn upon are adequate for the purposes of setting the East Suffolk CIL.
38. The passage of time can age data, particularly sales values in a dynamic economy, relatively swiftly. Nevertheless, the Market Report assesses

²⁶ Document A8.

historic sales data to 2021, updated in June 2022, and is informative for the 'heat map' which broadly shows variations in sales value data across East Suffolk. I recognise that there may be localised pockets of increased (or decreased) sales values, particularly where reliance is placed on marketed prices for new homes where historic sales data is limited, for example around Oulton Broad. However, I find that the CIL Review Update Report and the conclusions consequently reached with regard to the defined Value Zones across East Suffolk are adequately justified.

Main Issue: General Matters (methodology, typologies)

- *Is the methodology for setting CIL rates sufficiently clear?*
 - *Are the modelled typologies sufficient in breadth and number across all Value Zones such that the Charging Schedule is justified adequately?*
39. The CIL Review Update Report sets out the process by which CIL rates are set. This is graphically shown by Figure ES 2 and is based on establishing residual and benchmark land values (RLV/BLV), establishing potential viability surpluses, undertaking sensitivity analysis, identifying proposed CIL rates and necessary buffers before recommending a final CIL charge. The process is reasonable, aligned with the PPG and sufficiently clear.
 40. In assessing viability and notwithstanding the defined strategic development sites, it is necessary to have regard to the type of development anticipated in East Suffolk. The use of anticipated development site types (typologies) rather than specific site examples, as contained in the supporting evidence, is an approach frequently used in CIL viability assessments. For residential development, the typologies used were developed with regard to the advice of the PPG and in the context of the spatial distribution of housing across East Suffolk. The development scenarios consequently tested, reflect a range of different types of development on sites of varying characteristics (e.g. greenfield/brownfield) which were anticipated as likely to be brought forward through the planning process within the area. This is an appropriate approach.
 41. The typologies are referenced clearly within the Report (e.g., Section 5 and appendices). These include green field sites, with varying development capacities and assumed densities, and typologies for previously developed land taking into account capacities, Value Zones and variable development densities; the Report takes account of flatted development with densities up to 79 dwellings per gross hectare. I am satisfied that the number of typologies assessed across the Value Zones is proportionate to the East Suffolk context and the likely distribution of development as outlined in its development plan. I am satisfied that the inclusion of additional typologies, for example mid-sized developments in lower value areas, is not proportionately necessary.
 42. The typologies have had regard to net site coverage, taking into account land required for items such as drainage, and I find the assumptions within the CIL Review Update Report to be reasonable, and not unduly optimistic, on

the basis of available evidence.

43. In considering viability, the Report takes account of the development plan policy context and the available evidence for the types and mix of housing to be delivered. This includes the relevant Strategic Housing Market Assessments (SHMA). In summary, the Report uses "... a single housing mix for the generic residential typologies ... for strategic sites we have used a mix that reflects the local authority area in which each site is situated." (CIL Review Update Report paragraph 5.18). This is a reasonable approach.
44. Specific and separate consideration has been given to strategic sites.
45. The assumptions within the CIL Review Update Report include the implications of providing affordable housing, based on the differing policy positions of the two operational Local Plans, and the national policy position on First Homes. The Report includes cost assumptions for the policy provisions of the development plan as set out in paragraph 5.42. These refer to the previous Whole Plan Viability assessments undertaken for the SCLP and WLP with 2022 updates and associated explanatory commentary. Such costs include a range of matters including planning fees, professional fees, S106 costs, biodiversity mitigation, construction costs based on Building Cost Information Service (BCIS) indices, contingencies, marketing et al. I am also mindful that the development plan enables bespoke site-specific consideration of development viability (for example in relation to affordable housing provision) where necessary. Overall, the assumptions made by the Report in relation to residential development, which includes mixed uses, can be considered reasonable in the East Suffolk context.

Main Issue: Cost Assumptions

- *Are the cost assumptions used in the Council's viability evidence justified, proportionate and reasonable with due regard to government guidance?*
46. As noted above, the underlying methodology of the viability evidence is appropriately based on the concept of RLV and, with regard to the PPG, undertakes viability assessments of site typologies and strategic sites with sensitivity testing (e.g. proportions of affordable housing).
 47. The Report assesses the RLV against a BLV to inform the assessment of viability headroom. The PPG is clear that BLV should be based on the principle of existing use value plus a premium (EUV+) to incentivise the owner of the site to release it for development. The Council's evidence is explained in Section 3 of the CIL Review Update Report. It follows this approach in undertaking its assessment between RLV and BLV, established from existing experience and available data, whilst recognising the development plan strategy for East Suffolk. I am satisfied that the CIL Review Update Report sets out a rational approach to calculating RLV/BLV. The approach taken has due regard to national guidance and is appropriate.
 48. In relation to the costs of development, the Council's evidence sets out the assumptions used in the viability assessments. These are detailed in

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Sections 5-10 of the CIL Review Update Report (and as amended by the Addendum) including Table 5.17. I have noted the representations submitted that the data used and assumptions made, such as BCIS indices and abnormal site costs, could be more current. However, I am also mindful of the advice of the PPG²⁷ that, in addition to being simple, transparent and publicly available, evidence must be proportionate to the issues at hand.

49. The use of BCIS indices for residential developments, including flats, is reasonable and is common practice in viability assessments. The Council relies on average data drawn from March 2022 which, notwithstanding the shifting build costs indicated by more recent BCIS spot rates in the current economy, is a reasonable and proportionate approach. I do not find that the use of lower quartile BCIS for larger strategic sites to be anomalous or unacceptable given the scope for, at least in part, some economies of scale and reductions in comparative build cost rates even if larger sites are developed in phases and/or are subdivided. Mindful of the PPG, the absence of mean BCIS costs, as an alternative cost input, does not render the Council's assumptions relating to median rates unacceptable.
50. The Council's reliance on a figure of 15% for external costs on general typologies and 20% for strategic sites is not demonstrably unreasonable in the context of East Suffolk and falls acceptably within a common range identified by independent analysis²⁸ into viability issues within England and Wales.
51. The Council takes a PPG²⁹ compliant approach towards the consideration of 'abnormal costs' and the assumption of £110,000 per net acre for brownfield land is, based on available evidence, reasonable. Whilst abnormal costs can arise on greenfield sites, I accept that within East Suffolk the majority of residential requirements will come forward upon allocated sites which have been subject to some assessment as part of the development plan process and, if applicable, potential abnormal costs will have been identified and accounted for. There is insufficient evidence to support the inclusion of an 'abnormal cost' assumption for greenfield sites and to find the Council's approach unacceptable in this regard.
52. The Council has updated its IFS which indicates variations to the originally submitted costs of the 2020/21 IFS. As a consequence, the CIL evidence has been updated. The CIL Review Update Report Addendum has taken account of the revised IFS³⁰ in what I consider to be a proportionate manner. As a consequence and in general terms, I find that the Council has had appropriate regard to the estimated and known costs of infrastructure provision.
53. The Council's evidence includes assumptions on development costs arising such as fees, affordable housing for rent, the changes to Building

²⁷ PPG Reference ID: 25-019-20190901.

²⁸ Lichfields: 'Fine Margins: Viability Assessments in Planning and Plan-Making (2021)'.

²⁹ [PPG Viability](#)

³⁰ See Addendum Report paragraph 3.6 et al.

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Regulations, the provision of charging points, administrative costs etc. When taken in the round, the general approach is based on known previous practice, the requirements of the development plan and is proportionate to the issues facing East Suffolk. There is no persuasive evidence to find that the Council's approach is unacceptably flawed.

54. General policy cost assumptions have also been made for non-strategic site typologies in relation to S106 obligations which are predicated on the development plan and which I find reasonable.
55. The Council's evidence assumes potential developer profit levels, in the round, at 20% on market housing and 6% on affordable homes. Whilst I note submissions which suggest a blended rate of at least 20% on Gross Development Value (GDV) should be assessed, I am satisfied that the Council's approach aligns reasonably with the advice within the PPG³¹ that a suitable return to developers may be in the range of 15-20%. There is insufficient evidence to indicate that lending institutions require a minimum blended rate of 20% or that the Council's assumptions are insufficient or erroneous.
56. I am satisfied that the Council's evidence is proportionate and sufficiently current, taking into account some, if not all, changes in the market economy, such as residential values and costs, since 2021. The conclusions drawn on development viability are reasonable. Overall, I find the evidence to be suitably robust for the general purposes of the Draft Charging Schedule.
57. As set out in the CIL Review Update Report, the viability assessments undertaken include sensitivity analysis linked to varying proportions of affordable housing provision, potential CIL rates and variations in GDVs. As recommended by the PPG, the Report takes account of an appropriate viability buffer (see Chapter 11). This is intended to establish a suitable 'cushion' between the recommended CIL rate and the maximum potential CIL rate which is identified in the Report; generally the 'cushion' for general typologies is considerably in excess of 30% of the latter providing reasonable scope for contingencies. This is distinct from the approach taken towards strategic sites where more specific development details generally exist. In the context of East Suffolk where the development plan anticipates that the majority of its development needs will arise on allocated sites, I find this to be reasonable and proportionate.
58. The general cost assumptions used in the Council's viability evidence are justified, proportionate and reasonable with due regard to government guidance.

Main Issue. Strategic Sites

- *Is the viability evidence appropriate, including the assumptions made in the residential appraisals for sales values (market and affordable*

³¹ PPG Reference ID: 10-018-20190509.

housing), land values, build costs, residual S106 costs, developer profits and residential densities?

59. The Council undertook specific testing of 8 strategic sites identified from the development plan. This aligns with the advice of the PPG in assessing the viability of strategic sites in plan making.³² These are shown in the CIL Review Update Report at Figure 6-1 and detailed in Chapter 6. Appropriate assumptions on BLV are set out in the site appraisals. Adjustments are made for the affordable housing values, provision and costs relative to the strategic site location within the former local authority areas. The Report includes specific consideration of each site's strategic site infrastructure and S106 costs (see Table 6.2 and Addendum Summary Table et al) and utilises a 20% rate of external costs to act, in part, as a form of contingency for unknown infrastructure costs which is pragmatically reasonable. The Council evidence includes consideration of suitable viability 'buffers' and I am mindful that the PPG recommends that it would be appropriate to ensure that a 'buffer' is included, so that the levy rate is able to support development when economic circumstances adjust. To be effective in supporting the relevant Local Plan strategy, I consider that a buffer should be of sufficient scale to support the delivery of development as circumstances may alter.
60. The Report assesses the gross to net site area assumptions for the provision of residential development within each site which excludes other uses. This is an appropriate methodology and I agree with the resulting data. As clarified in paragraph 1.3 of the draft Charging Schedule, *"The residential CIL rates for these sites are set out in Table 1.3 ... (other forms of development will be charged at the relevant CIL rate for that development)."*
61. The Council's Additional Evidence Note and Addendum Report provides an update to take account of the latest IFS. Increased IFS costs applicable to the strategic sites are taken into account in revised appraisals. Whilst the baseline values remain unaltered, I consider this to be an appropriate and equitable approach to avoid inconsistencies in applying variable values and costs over time. In addition, the Council's evidence has been revised to incorporate estimated delivery timescales and trajectories for specific infrastructure relevant to some of the strategic sites with a consequent effect upon cashflows. Additional evidence, including the SoCG, has been provided in relation to Beccles and Worlingham Garden Neighbourhood.

Brightwell Lakes, Martlesham

62. Policy SCLP12.19 applies to land at Brightwell Lakes. The site has planning permission for 2,000 homes and other mixed uses. The outline permission has a completed S106 which enables necessary infrastructure. The site is zero rated for CIL under the existing Suffolk Coastal charging schedule. To avoid double counting of infrastructure costs/provision, the CIL Review Update Report concludes that the site should remain zero rated for CIL, particularly as there is no expectation that the site should contribute to infrastructure through CIL. The Report does not appraise the site.

³² PPG Reference ID: 10-005-20180724.

63. The conclusions reached in the Report are reasonable and the nil charge in the Draft Charging Schedule is appropriate.

South Saxmundham Garden Neighbourhood

64. Policy SCLP12.29 applies to land to the south of Saxmundham. The site is approximately 67.8ha of greenfield land allocated for mixed uses including 800 dwellings known as South Saxmundham Garden Neighbourhood. The policy identifies the need for a masterplan approach to the site and prescribes various infrastructure requirements.
65. The site is identified by the CIL Review Update Report as residing in the Mid-Higher Value Zone which I am satisfied is justified adequately by the CIL Review Update Report and market evidence. Whilst the evidence indicates that there are lower value properties within the settlement, sales in more peripheral locations are generally at higher values and therefore the Mid-Higher Value Zone is reasonable. The site is proposed with a development density (net) of 24 units/ha and an affordable housing requirement of 33%.
66. Table 5.1 of the CIL Review Update Report Addendum provides the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables which include sensitivity analysis.
67. The CIL Review Update Report and its Addendum identify the anticipated GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge (£100/sqm). I have noted the representations submitted in relation to this strategic site, which include concerns at the veracity of the Council's assumptions, and the scale of the proposed CIL charge.
68. The value of affordable homes is set out within the CIL Review Update Report and I am satisfied that, on the balance of the evidence, these are reasonable. As noted above (pages 12-14), I consider the Council's approach towards development costs, including the use of lower quartile BCIS, is reasonable, proportionate and sufficiently up to date. Assumed profits of 20% on GDV (blended at 17%) are included.
69. Taking into account the RLV and BLV, the proposed CIL charge is shown to be viable retaining a surplus of nearly £20m (net) and a buffer for the site equating to £24,872 per dwelling (81% from the maximum CIL that may be feasible). I find this to be a reasonable and sufficient contingency cushion which would accommodate variances that may arise, for example in relation to the cost of garage provision.³³ I also find that the South Saxmundham considerations are not directly comparable to Beccles and Worlingham Garden Neighbourhood which has a lower anticipated gross to net development ratio, different infrastructure requirements and is located in a different Value Zone. Each must be considered on their own characteristics.
70. I find that the cost and value assumptions to be reasonable such that the

³³ See further discussion on garage provision at paragraph 114 onwards.

proposed CIL charge of £100/sqm is justified and viable.

North Felixstowe Garden Neighbourhood

71. Policy SCLP12.3 identifies approximately 143ha of greenfield land for a new garden neighbourhood following a masterplan approach and incorporating mixed uses including 2,000 dwellings. Planning permission has been granted for 560 dwellings. The policy prescribes various infrastructure requirements and confirms that necessary off-site infrastructure requirements will be required through developer contributions.
72. The site is identified by the CIL Review Update Report as residing in the Mid-Higher Value Zone, with a development density (net) of 28 units/ha and an affordable housing requirement of 33%.
73. Table 5.1 of the CIL Review Update Report Addendum provides the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables which include sensitivity analysis.
74. The CIL Review Update Report and its Addendum identify the anticipated GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge. Assumed profits of 20% on GDV (blended at 17%) are included.
75. Taking into account the RLV and BLV, a surplus indicates that the proposed CIL charge is viable retaining a buffer of over £35m (net) for the site which equates to approximately £17,500 per dwelling (83% from the maximum CIL that may be feasible). I find this to be a reasonable and sufficient contingency cushion which would accommodate variances that may arise, for example in relation to the cost of garage provision.
76. I find that the cost and value assumptions to be reasonable. As noted in the CIL Review Update Report, the site attracts significant infrastructure costs for education provision which will likely affect cashflow warranting a flexible buffer. I conclude that the proposed CIL charge of £65/sqm to be viable and justified.

Land off Howlett Way, Trimley St Martin

77. The site off Howlett Way is identified by SCLP Policy SCLP12.64 for approximately 360 dwellings. The policy prescribes various infrastructure requirements.
78. The site is identified by the CIL Review Update Report as residing in the Mid-Higher Value Zone, with a development density (net) of 42 units/ha and an affordable housing requirement of 33%.
79. Table 5.1 of the CIL Review Update Report Addendum provides the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables which include sensitivity analysis.
80. The CIL Review Update Report and its Addendum identify the anticipated

GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge. Assumed profits of 20% on GDV (blended at 17%) are included.

81. Taking into account the RLV and BLV, a surplus indicates that the proposed CIL charge is viable retaining a buffer of over £10m (net) for the site which equates to approximately £28,500 per dwelling (76% from the maximum CIL that may be feasible). This provides a reasonable contingency for cost variances, for example in relation to garage provision.
82. I find that the cost and value assumptions to be reasonable. As noted in the CIL Review Update Report, the smaller size of the site attracts comparatively reduced infrastructure costs, for example education provision, and reduces the risk and uncertainty for future infrastructure expenditure. The buffer remains adequate such that I conclude that the proposed CIL charge of £160/sqm to be viable and justified.

Land south of The Street, Carlton Colville

83. The site, of 54.88 ha, is allocated by WLP Policy WLP2.16 for approximately 900 dwellings, including a retirement community. The policy prescribes density expectations and various infrastructure requirements.
84. The site is identified by the CIL Review Update Report as residing in the Mid Value Zone, with a development density (net) of 35 units/ha and an affordable housing requirement of 20%.
85. Table 5.1 of the CIL Review Update Report Addendum provides the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables which include sensitivity analysis.
86. The CIL Review Update Report and its Addendum identify the anticipated GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge. Assumed profits of 20% on GDV (blended at 18%³⁴) are included.
87. Taking into account the RLV and BLV, a surplus indicates that the proposed CIL charge is viable retaining a buffer of nearly £26m for the site which equates to approximately £28,750 per dwelling (84% from the maximum CIL that may be feasible). This provides a reasonable contingency for cost variances, for example in relation to garage provision.
88. I find that the cost and value assumptions to be reasonable. As noted in the CIL Review Update Report, the site has a higher anticipated density of development and a lower affordable housing requirement than others in the same Value Zone. Whilst there are specific infrastructure costs applicable such as for flood risk and highway works, I conclude that the proposed CIL

³⁴ Figure of 18% given in CIL Review – Post Examination in Public (EIP) Addendum Report Summary Table Appendix 2 page 40.

charge of £90/sqm to be viable and justified with an adequate buffer provision.

Beccles and Worlingham Garden Neighbourhood

89. A variety of representations have been made to the Examination in relation to the Beccles and Worlingham Garden Neighbourhood, some suggesting the proposed CIL charge is too low and others suggesting it is set impractically high. WLP Policy WLP3.1 allocates land for mixed uses including approximately 1,250 dwellings which contains a retirement community. The policy prescribes the need for a detailed masterplan plus density expectations (net) of 30 units/ha and various infrastructure requirements which are notably different from other strategic sites such that endeavours to make direct comparisons between strategic sites are of limited value.
90. The site is identified by the CIL Review Update Report as residing in the Mid Value Zone. The Council relies on the CIL Review Update Report and Market Assessment in identifying the Value Zone within which Beccles and Worlingham Garden Neighbourhood is located. The Report recognises that there is very limited sales data available although regard has been had to marketed prices for new homes, such as those developed by Hopkins Homes.
91. The CIL Review Update Report assesses sales values for 1, 2, 3 and 4 bed houses. The rationale for the unit sizes assessed is set out in the Report. Notwithstanding representations made that smaller or larger unit sizes should have been assessed, and whilst recognising that there may be a demand for larger homes above 120sqm, I do not find the unit sizes underpinning the Council's approach to be unreasonable in the East Suffolk context for the purposes of setting CIL. The Report is clear that it has taken into account the original sales values used in the earlier October 2021 assessment and newly adopted sales values for the June 2022 document, including percentage adjustments to allow for house price increases.
92. Whilst I note the submissions made that marketed prices and sales values may have increased and be higher than used in the CIL Review Update Report, I also note that build costs have increased. I accept the Council's submissions that it is not practical to constantly update new iterations of evidence to account for changes in costs and sales values such that I find the CIL Review Update Report is proportionately up to date for the purposes of the submitted CIL.
93. Additional house value data based on the NR34 postcode has been collated and submitted to the Examination by representors. This is more locationally specific to the strategic site and indicates the potential for increased new build indicative sales values above those used in the Council's evidence. I note that some of the submitted figures, and consequently the differential with the Council's evidence, are increased by the decision to not account for homes sold at below £2,000/sqm in order to reflect a potential new build premium. Value differences are also enhanced by differences between house type and size, where bungalows, particularly detached, appear to attract a further premium and impact notably on average sales values.

94. Whilst cognisant of the representations made, I am of the view that the Council has reasonably endeavoured to take a proportionate approach to the issue of identifying market values across the District as a whole, taking into account data sets which indicate broad variations in historic values in different areas including around Beccles and Worlingham.
95. At a more micro level, there may be the potential for an increase in values in the vicinity of the Garden Neighbourhood site as a consequence of specific local variations in house values. However, I am not satisfied that the potential effects are of the magnitude suggested by representors, mindful of the net density expectations for the development, or that the Council's evidence can be deemed flawed such that it cannot be relied upon for the purposes of setting a CIL charge.
96. When taken in the round and to be consistent with the approach for all other strategic sites, I find that the Council's evidence is sufficient and proportionate to justify the Mid Value Zone identified within the Charging Schedule.
97. The site is required to be developed with an affordable housing requirement of 30%. Table 5.1 of the CIL Review Update Report Addendum provides a summary of the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables, including sensitivity analysis.
98. The CIL Review Update Report, its Addendum and further updates identify the anticipated GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge. Assumed profits of 20% on GDV (blended at 17%) are included.
99. The proposed Garden Neighbourhood will be of a significant size in the East Suffolk context. Partly as a consequence, a broad range of infrastructure is required in support of delivering an effective scheme. These include various highway works involving a main road and junction provision/improvements, the provision of adequate electricity supplies, pedestrian and cycle links, woodland enhancement/retention and a range of other infrastructure matters.
100. Based on the available evidence, I am satisfied that the infrastructure costs applicable to the Garden Neighbourhood are different to other East Suffolk Strategic Sites. Furthermore, whilst noting representations which suggest that the proposed infrastructure may, in part, be unnecessary, the Council and developer interests have developed a SoCG and appear to agree the basis of the infrastructure required to enable the site such that I have insufficient reason to disagree.
101. There is a clear difference of judgement between interested parties, including site proponents, on the costs of developing the site and the implications for

cashflow management, including the costs of interest payments. A SoCG³⁵ was provided (dated February 2023) by the Council and Larkfleet Group Ltd, Chenery's Farm Partnership and Beccles Townlands Trust albeit differences remain between these signatories.

102. The Council's original evidence found that a maximum potential CIL charge that enables a viable development would be £167/sqm and specified an applicable CIL Charge of £30/sqm. On this basis it identified a potential surplus of just over £10m for the site and a resulting per dwelling buffer of approximately £8,178 (82% from the maximum CIL). The Council's Addendum Report³⁶ provides an updated analysis of the site with regard to revised S106/infrastructure costs. It concludes that, even though reduced, the scale of the available buffer is adequate based on the percentage of CIL relative to the available headroom (77% or c.£6,200 per dwelling).
103. The Council's originally calculated buffer lies within a similar percentage range as other strategic sites. Nevertheless, this is not the only measure of an effective buffer. Indeed, it is considerably lower when calculated as a per dwelling figure, some 45% below that for North Lowestoft and 71% less than that for Carlton Colville. Whilst each strategic site falls to be considered against its own specific circumstances, the available viability cushion for the Beccles and Worlingham Garden Neighbourhood, by the Council's calculations, is the least generous and therefore the least able to allow for expenditure/revenue contingencies.
104. As noted elsewhere in this report, I am mindful that the PPG advocates a proportionate, simple and transparent approach to the matter of development viability. Whilst particularly pertinent to plan making, the PPG is also clear that: *In some circumstances more detailed assessment may be necessary for particular areas or key sites on which the delivery of the plan relies.*³⁷ The Beccles and Worlingham Garden Neighbourhood is a key site within the Waveney Local Plan. As such, it is important that any applicable CIL charge is justified in terms of viability and does not jeopardise the effective delivery of the development plan strategy. As noted by the Council's evidence in relation to strategic sites: *The level of detail available to support our assumptions and inputs of the larger site testing is limited because most of the sites are still in the early stages of being brought forward. Due to the size of the development, development viability is very sensitive to small changes in the inputs used. We would therefore recommend a cautious approach is taken when setting CIL charges (i.e. a higher buffer).*³⁸
105. Contrary evidence was submitted to that of the Council indicating that the costs of development will be higher than assumed. This is specified in consultation responses to the Draft Charging Schedule (2021 and 2022) and to the Examination process thereafter. Whilst I support the premise for

³⁵ Document C17.

³⁶ Document C18.

³⁷ PPG Reference ID: 10-003-20180724.

³⁸ CIL Review Update Report paragraph 11.17.

proportionate evidence, I am also mindful that a CIL charge must strike an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the viability of development. In this regard, it is helpful that the Council has updated its evidence to account for its latest IFS.

106. However, a number of the detailed assumptions within the Council's evidence are specifically disputed. These include the way in which BCIS costs have been applied, the input assumptions for general development costs, including professional fees, electricity sub stations, highway works, the manner in which garage provision is accounted, the assumed rate of site 'build out', the method of applying interest costs and the absence of transparent cashflow details. Concerns are also raised at revised timescales for infrastructure delivery through the lifespan of the development. Some alternative assumptions, costs and implications for development viability are provided.
107. The SoCG now supplied for this strategic site is helpful in some respects by clarifying certain matters, albeit I note that the Council has been unable to share its cashflow projections. A number of key matters arise.
108. The SoCG confirms that the costs of ensuring an adequate electricity supply to the site involve onsite sub-stations and an offsite primary sub-station. The onsite sub-station cost of £720,000 is agreed while the best available evidence for the cost of the offsite primary sub-station suggests it may fall beyond £6m (as at March 2022).
109. I note that within the Addendum Report the Council considers strategic infrastructure costs to be those which are over and above 'normal' BCIS build costs and 'normal' (20%) externals allowances (which are designed to cover some of the unknown infrastructure costs and enable suitable buffers to maintain development viability³⁹), and these could include spine roads, roundabout, electricity substations, pumping stations etc. Nevertheless, the Council considers that the primary sub-station costs should fall within the 20% 'externals' allowance for strategic sites which conflicts with the site proponents' perspective that this should be considered as an abnormal cost separate from the 'externals' allowance.
110. I am satisfied on the balance of the available evidence that the pumping stations and offsite drainage costs referenced within the site proponents' submissions (March 2022 et al) can reasonably be considered to fall within an 'externals' allowance designed to absorb some unknown infrastructure costs and should not be considered as an abnormal cost. However, in cognisance of the agreed requirement for an offsite primary electricity sub-station which has been broadly costed and given the Addendum Report, which must be read alongside the SoCG which includes the statement that the offsite primary sub-station is an abnormal cost (paragraph 14) and agreement that the onsite sub-station costs are an extra cost outside of the 20% "externals" allowance (paragraph 15), it is consequently not justified to reasonably include the cost of the primary sub-station within the externals allowance for the site. As a result, the inclusion of a specific primary sub-

³⁹ Document A8. Paragraph 6.7.

station infrastructure cost, potentially in excess of £6m, would affect development viability to a greater extent than the Council's analysis allows.

111. The SoCG agrees a more realistic time frame for the construction of the key spine road for the development site with an associated effect upon development costs (total estimated at £6.25m). Furthermore, the SoCG reassesses the likely housing delivery timescale to be slower than originally assessed by the Council. This would have an associated impact upon generated revenue. In addition, the delivery of certain elements of the necessary infrastructure for the development will be affected which alters the original analysis of the Council. I note that it is agreed that the spine road delivery, housing completions timescale and the timing of specific infrastructure delivery have implications for the overall modelling, cashflow and interest calculations for the site.
112. The Council remains of the view that it is neither necessary nor appropriate to release its cashflow analysis. This conflicts with the perspective of the site proponents who have supplied simplified cashflow analysis. Nevertheless, both parties agree that the results of the unpublished cashflow model will worsen the viability of the scheme; in summary, revenue streams are delayed whilst certain costs are increased and brought forward in time. Based upon the Council's calculations, the 'break-even' point for the development is now considered to be at month 78 of the development (rather than month 29) based on an interest rate of 6.5%. The site proponents consider this to be at month 110. If an interest rate of 8% is assumed, the break-even points are further delayed.
113. It is clear that even if the revised Council cashflow position is accepted, the costs of developing the Beccles and Worlingham Garden Neighbourhood are increased in comparison to the Council's earlier analysis. This is illustrated at page 24 of the SoCG, where Section B notes the costs of interest accruing. I note that the site proponents consider that the actual costs of interest would be greater than the Council's figures which should be adjusted to reflect base interest rate changes between October 2021 and March 2022, leading to a variance of c£7.9m on an assumed interest rate of 6.5%.
114. Furthermore, I note the submissions made in relation to the applicability of BCIS build costs as set out in Section C of the SoCG table, which consequently identifies a considerable variance in attributed sums and overall costs. Based on the available evidence, it is likely that the number of garages to be constructed as part of the development will exceed the Council assumption of 405 albeit it may not extend to the site proponents' figure of 569. Regardless, the cost of garage provision, based on BCIS data, is also likely to exceed the single garage cost of £8000 assumed by the Council. The BCIS data (c£13,500) is a 'median' cost which, on the basis of the applied lower quartile costs by the Council that I consider generally justified, is therefore likely to be lower in practice. Nevertheless, the evidence indicates that the cost of garage provision will be materially greater than assumed by the Council with a consequent impact upon development viability. In addition, on the basis that CIL is payable on garages, the Council perspective that it is not possible to know the sizes of houses and

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garages and therefore is a matter that should not be meaningfully considered, is unpersuasive. Garage sizes can reasonably be assumed and, as indicated by the site proponents, a six figure cost may likely arise. On this premise, to not account for CIL payable on garages where evidence has been provided for consideration is unjustified. This would affect development viability.

115. The SoCG identifies the difference in approach towards the costs of highway works which include 2 junctions to the relief road and access to the employment site. The Council maintains a cost assumption of £1.5m notwithstanding the submissions of the site promoters that the costs will exceed £3m. The evidence is contrary and there are no submissions which enable a clear judgement to be drawn on the specific costs on these matters. The site proponents have provided a basic breakdown on likely costs which, notwithstanding uncertainty as to the need for a new roundabout, and in the absence of commensurate opposing evidence, suggest that the Council is at risk of underestimating the total costs of provision.

116. The SoCG confirms that while development viability is not disputed, in terms of the available buffer, the revised analysis of the Council (compared to Oct 2022) based on a CIL rate of £30/sqm is as follows:

Oct 22	Maximum CIL	Buffer %	Total buffer	Buffer per dwelling
6.5% interest	£167.78	82%	£10,222,269	£8,178

Jan 23	Maximum CIL	Buffer %	Total buffer	Buffer per dwelling
6.5% interest	£131.54	77.2%	£7,856,937	£6,286
8% interest	£115.29	74.0%	£6,580,381	£5,264

117. It has been brought to my attention⁴⁰ that an analysis of relevant East Suffolk Strategic Sites reveals:

Strategic Site	Total Buffer	Buffer per Plot	Buffer as % of Revenue	Buffer as % of Costs
Beccles & Worlingham	£7,856,937	£6,286	2.42%	2.71%
North Lowestoft	£16,236,532	£14,760	5.69%	6.55%
North Felixstowe	£35,107,025	£17,554	6.54%	7.70%
South Saxmundham	£19,897,956	£24,872	9.27%	11.31%
Colville	£25,878,214	£28,754	10.61%	13.03%
Trimley St Martin	£10,261,389	£28,504	10.62%	12.55%

118. Notwithstanding key differences between the strategic sites and their infrastructure requirements, the broad analysis set out in the tables above

⁴⁰ Document C25.

indicates, by the Council's own reckoning, that the Beccles and Worlingham Garden Neighbourhood has a comparatively lower buffer than all other sites which is therefore potentially least resilient to variations in revenue and costs.

119. Whilst recognising that the assessment of the costs of developing a strategic site is challenging, an underestimation of costs likely renders the calculation of a viability buffer ineffective. As a consequence, the scope of any buffer to act as a sufficient contingency would be undermined and the overall viability of development would be potentially threatened.
120. I consider that the scale of any viability buffer should be sufficient to absorb some of the variable cost factors affecting the site delivery. Even if the Council's evidence on costs and revenues is accepted, including interest at 6.5%, then it indicates that of all its assessed strategic sites, the buffer applicable to Beccles and Worlingham Garden Neighbourhood, the second largest residential allocation, is the lowest by a number of measures. This is emphasised by the revised evidence including the SoCG and Addendum Report.
121. As summarised above, the balance of evidence suggests that the costs of developing the Beccles and Worlingham Garden Neighbourhood will exceed the Council's assumptions and analysis; this includes the costs of off-site power provision, the likely increased costs arising from interest and cashflow management, the cost of garages and their CIL implications. The totality of evidence does not give sufficient assurance that the proposed CIL rate of £30/sqm and the proposed buffer would secure development viability with a suitable buffer and that the Charging Schedule therefore strikes an appropriate balance.
122. The Council, following my request, has provided additional sensitivity analysis of CIL rate options of £10 and £20/sqm applicable to the Beccles and Worlingham Garden Neighbourhood⁴¹ and has confirmed that it did not wish to alter its position that a £30/sqm CIL charge is appropriate.
123. The additional analysis of the Council utilises the same assumptions as its evidence for CIL rates of both £30/sqm and £0/sqm previously submitted. The Council has provided a summary table using an interest rate of 6.5% as follows:

CIL rate psm	Buffer %	Total Buffer	Buffer per dwelling
£30	77.2%	£7,856,937	£6,286
£20	84.8%	£8,626,716	£6,901
£10	92.4%	£9,395,196	£7,516
£0	100%	£10,163,677	£8,131

124. The use of a figure as a percentage of maximum CIL available is one

⁴¹ Documents C20-C24.

indicator of a potential buffer but this can reasonably be considered alongside other means of assessing whether a sufficient and practically useful buffer may exist to absorb changes in development revenues and costs. These can include absolute buffer values and per dwelling figures. As noted above (paragraph 117) other measures can include the buffer as a percentage of revenues and costs.

125. At this stage of the development process, costs of site delivery are challenging to specifically identify but, as set out previously, the balance of the evidence suggests that costs of development will exceed the Council's assumptions and analysis; this includes the costs of off-site power provision, the likely increased costs arising from interest and cashflow management, the cost of garages and their CIL implications. Such additional costs would significantly reduce the scale of the likely buffer arising and potentially nullify it entirely. I note for example the off-site primary substation, garage costs, highway costs and interest rate implications as calculated by the site proponents⁴² would exceed £12m and that a considerably higher variance is concluded for the site as a whole.
126. Even when using the Council assumptions, CIL rates of £10 and £20/sqm will result in a buffer per dwelling significantly below that of any other strategic site. When expressed as a total value, the buffer available for Beccles and Worlingham Garden Neighbourhood is similarly below that of other relevant strategic sites. If expressed as a percentage of revenue or costs, the available buffers utilising the Council's assumptions remain notably below that of other relevant sites. The available buffer with a potential CIL rate of £10/sqm is calculated by the Council to now be lower than that originally calculated in 2022 for a £30/sqm rate.
127. I am mindful that there was recognition during the Examination that the Beccles and Worlingham Garden Neighbourhood has higher infrastructure costs to recover than some of the other strategic sites. This is further acknowledged in the SoCG notwithstanding the fact that there remains a large element of disagreed costs. As such, there is a higher cost base which would be potentially sensitive to changes and to which a reasonable buffer is required.
128. The Beccles and Worlingham Garden Neighbourhood is a significant and key site for the development plan within East Suffolk. As noted in the SoCG, there are significant costs to bringing the site into fruition. I find that the balance of evidence shows that the Council is at risk of underestimating such costs which are sensitive to changes and which logically would warrant an adequate buffer to ensure development viability. Such a buffer does not persuasively exist even if a CIL charge is reduced from £30 to £10/sqm. There is no indication that values will increase sufficiently to offset such costs. I agree with the Council's advisors⁴³ that a cautious approach should be taken when setting CIL charges. As a consequence, the proposed rate would result in a low and inadequate buffer that unacceptably risks the

⁴² See SoCG Table p24.

⁴³ See footnote 38.

delivery of the site and as consequence would undermine the deliverability of the development plan. No other charge is evidentially justified with an adequate buffer, and I therefore conclude that a nil charge is warranted. Should additional evidence arise in the future, the Council will be able to review the position.

129. I therefore recommend a modification to the Charging Schedule to set a charging rate of £0 per square metre at this time for Beccles and Worlingham Garden Neighbourhood (**PM3**).

North of Lowestoft Garden Village

130. 71ha of land is allocated by WLP Policy WLP 2.13 for a mix of uses including approximately 1,300 homes albeit an emerging masterplan indicates 1,000-1,150 is more likely. The Report assesses viability against a figure of 1,100 homes as a consequence which is reasonable. The policy prescribes various infrastructure requirements.
131. The site is identified by the CIL Review Update Report as residing in the Mid Value Zone. I note the preceding Value Zones for the area also included the land as being within the Mid Value Zone and am satisfied that the available evidence, including the Market Report, warrants its edge of Lowestoft location to be included as a mid-value zone and not a mid-lower value zone. The site is proposed with a development density (net) of 33 units/ha and an affordable housing requirement of 30%.
132. Table 5.1 of the CIL Review Update Report Addendum provides the outcome of the revised viability testing for the allocation, the details of which are contained in the accompanying tables which include sensitivity analysis.
133. The CIL Review Update Report and its Addendum identify the anticipated GDV of the site and input likely assumed costs relevant to the allocation, including affordable housing provision, site specific S106 costs, infrastructure costs and an anticipated CIL charge. Assumed profits of 20% on GDV (blended at 17%) are included.
134. Taking into account the RLV and BLV, a surplus indicates that the proposed CIL charge is viable retaining a buffer of just over £16m for the site which equates to approximately £14,760 per dwelling (81% from the maximum CIL that may be feasible). This provides a reasonable contingency for cost variances, for example in relation to garage provision.
135. I find that the cost and value assumptions to be reasonable. As noted in the CIL Review Update Report, the site has some particular infrastructure costs, such as a new junction with the A47 dual carriageway, as well as primary school and other requirements. It is towards the middle of the range of the overall surplus in the Mid Value Zone and benefits from a marginally higher density than some other sites. It is not directly comparable to Beccles and Worlingham Garden Neighbourhood which has a lower anticipated gross to net development ratio and different infrastructure requirements. The identified buffer is not unduly generous particularly being mindful of the cost of garage provision but, on balance, I conclude the proposed CIL charge of

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£60/sqm to be viable and justified.

Kirkley Waterfront and Sustainable Urban Neighbourhood.

136. WLP Policy WLP2.4 allocates land for mixed uses including 1,380 homes, employment development and a retirement community. The policy prescribes various infrastructure requirements.
137. The site is identified by the CIL Review Update Report as residing in the Lower Value Zone, with a development density (net) of 50 units/ha.
138. The CIL Review Update Report summarises the issues affecting the site as follows: *This site is not viable even at 0% affordable housing. The site is in the lowest value zone and flatted sales values are particularly low. The site is brownfield which requires higher site remediation cost and there are significant S106 contributions expected. The site is considered very unviable without external financial support (to assist with decontamination, for example). A zero CIL rate is the only possible recommendation.*
139. Based on the available evidence, including the specific site appraisals, I agree.

Strategic Site Viability Outcomes

140. Notwithstanding Beccles and Worlingham Garden Neighbourhood, I find the viability evidence appropriate, including the assumptions made in the residential appraisals for values and costs. The balance of the evidence adequately supports the proposed CIL rates for all strategic sites with the exception of Beccles and Worlingham Garden Neighbourhood.

Main Issue: Specialist and Holiday Accommodation

- *Is the approach taken by the Council towards other specialist housing and holiday accommodation justified and appropriate?*

Specialist Residential Accommodation

141. The CIL Review Update Report tests three types of specialist residential accommodation, namely sheltered housing, extra care housing and registered care. In doing so, the Report has noted the available SHMA data which indicates levels of accommodation need within East Suffolk.
142. In testing typologies for specialist accommodation, the Report has appropriate regard to the definitions within the PPG, the SHMA evidence and approved schemes across East Suffolk. Value assumptions as set out in Table 8.3 are not substantively disputed whilst cost assumptions are reasonably drawn from those used for market residential development with updates in Table 8.4.
143. In summary, I accept the viability testing result for sheltered housing and extra care housing which, regardless of whether greenfield or brownfield, and

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even allowing for the absence of affordable housing, does not support scope for a CIL charge.

144. Care homes are, with a precautionary caveat related to applicable business models, found to be viable such that there is potential scope for a CIL charge. However, when accounting for a buffer, viability is diminished for greenfield sites and disappears for brownfield sites such that the Council has determined not to set a CIL charge for this type of development. On the balance of the available evidence, I agree.

Holiday Accommodation

145. The CIL Review Update Report incorporates specific consideration of holiday accommodation, including new build lets, barn conversions and holiday lodges. With the exception of the latter, where certain coastal locations⁴⁴ command a premium in sales values compared to the rest of East Suffolk, there is insufficient data to confirm different value zones across the Council area. These conclusions are reasonable.
146. The Report includes a range of costs applicable to holiday accommodation, tested on greenfield and brownfield sites as set out in CIL Review Update Report paragraph 7.10 and Table 7.2. These also appear reasonable. The viability testing (Appendix 7) indicates that new build flats for holiday lets, barn conversions and holiday lodges are viable, to varying degrees, and provide scope for an appropriate CIL charge in the higher value defined coastal areas. Based on all available information, I have no reason to disagree with the Charging Schedule which sets a CIL rate of £210 for holiday lodges not complying with the Caravan Act in defined coastal areas.

Main Issue: Retail and Employment

- *Do the retail levy rates strike an appropriate balance between helping to fund the new infrastructure required and the potential effect on the economic viability of retail schemes?*

147. The Report appropriately notes the requirements of the extant development plan for East Suffolk and the introduction of Class E within the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020. In this context, and noting the planned developments for specific parts of the Council area, the Report identifies two typologies for 'Express' convenience retail floorspace and 'Budget' convenience floorspace. This is reasonable. The typologies are satisfactorily identified as not being as location sensitive compared to residential development and have been tested on greenfield and brownfield sites. These conclusions are reasonable as are the undisputed figures assumed for BLV.
148. Cost assumptions are drawn from preceding work in support of the WLP and SCLP and are indicated in CIL Review Update Report Table 9.2. These are sensible. Allowing for land values set out reasonably in paragraph 9.10,

⁴⁴ CIL Review Update Report Figure 7-1.

convenience retail floorspace is viable and would, dependent on the scale of provision and land characteristics, result in viable developments sufficient to support a variable CIL charge.

149. Whilst adopting a similar assessment for comparison retail floorspace, albeit with appropriately amended assumptions, the viability testing indicates that comparison retail floorspace is unviable in all scenarios and would not support a CIL charge. I agree.
150. I consider that the Draft Charging Schedule retail rates strike an appropriate balance between helping to fund the new infrastructure required and the potential effect on the economic viability of retail schemes.
151. The CIL Review Update Report acknowledges the employment objectives and requirements of the development plan, particularly the scale of anticipated economic growth, land provision and the necessary spatial distribution with a focus on Lowestoft, North Felixstowe and South Saxmundham et al.
152. The CIL Review Update Report considers a BLV of £100,000 per net acre to be appropriate for greenfield land, for both office and industrial development, and there is no contrary evidence to suggest such an approach is inappropriate.
153. Due to the limited variation in value of office space across East Suffolk, only one typology was tested as follows: 425sqm net internal area/500sqm gross internal area (gross to net 85%) and 40% site coverage. Cost assumptions are reasonably explained within the Council's evidence with the inclusion of Table 10.2. Based on the greenfield benchmark land value, office development is found not to be viable and there is no justification for a CIL charge.
154. A similar approach is taken with regards to industrial floorspace where a single scenario was tested: 1,000sqm gross internal area (as a single building or subdivided) with 40% site coverage. The report reasonably notes that build costs have fallen since the development plan was prepared yet, assuming BLV of £100,000/ha, such development is unviable and does not justify a CIL charge.
155. In relation to both retail and employment development, I find that the Charging Schedule strikes an appropriate balance and is acceptable.

Are the proposed rates informed by and consistent with the evidence on viability across the charging authority's area?

Residential Development

156. Given the nature of East Suffolk and its development needs, a primary focus of the viability evidence relates to residential development which, based on the development plan, represents the greater proportion of proposed new development. Such an approach is reasonable. As noted above, the Report uses a common methodology to assess viability in relation to a variety of

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residential site typologies.

157. As set out in paragraph 12 above, the Council proposes five separate charging zones (excluding strategic sites). In general terms, the costs of development are reasonably identified as being similar across the Council area, whilst I consider the benchmark and potential development values within the Report to be realistic and based on adequate evidence.
158. Based on the supporting evidence, Appendix A of the Draft Charging Schedule reasonably identifies the respective charging zones.
159. The CIL Review Update Report indicates the RLVs arising against the various tested development typologies on greenfield and previously developed land. This includes testing of varying affordable housing proportions. Whilst there is some variation in the RLVs, overall, this data supports the conclusion contained within the Draft Charging Schedule that a higher CIL charge rate (£300) is justified in the Higher Value Zone of East Suffolk with a £200 charge applicable to Zone 2 and £100 in Zone 3. Adequate buffers are maintained in excess of 30% from the maximum potential viable CIL rate. Nil charges are justified adequately for Zones 4 and 5. Overall, the separated charging zones at the rates proposed for residential development within the Draft Charging Schedule are justified.

Specialist Accommodation

160. The report makes clear that there is no viable justification for charging CIL for specialist housing and therefore the nil rates included within the Draft Charging Schedule are warranted.

Strategic Sites

161. The CIL Review Update Report and its Addendum support the proposed CIL rates applicable to strategic sites. With the exception of Beccles and Worlingham Garden Neighbourhood and on the balance of all evidence, sufficient buffers are taken into account which could facilitate unknown development cost increases or related factors. The Draft Charging Schedule, as modified below, is reasonable in these regards.

Other Rates

162. The charging rates for holiday lodges (£210/sqm) in defined coastal areas and for convenience retail (£70/sqm) are justified by the analysis of the CIL Review Update Report. The former effectively incorporates a 30% buffer. Furthermore, the evidence supports the setting of nil rates for the other types of development identified in the Draft Charging Schedule.
163. The proposed rates are informed by and consistent with the evidence on viability across the charging authority's area.

Has evidence been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see National Planning Policy Framework paragraph 34)?

164. The Council's decision for its differential charging zones is based on reasonable assumptions about land values, development values and likely development costs.
165. In setting the CIL charging rates, the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in East Suffolk. The Council has sought to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough. Buffers are incorporated into its viability evidence that are designed to ensure that the effective delivery of development, including adequate housing to meet identified needs, is achieved. As ever, this will need to be subject to suitable monitoring and management.
166. The Council has confirmed that it intends to prepare a single East Suffolk Discretionary Social Housing Relief Policy and bring this into effect when the East Suffolk CIL Charging Schedule also comes into effect. The Council does not propose an Exceptional Circumstances Relief policy as site specific circumstances can be resolved through a viability assessment as allowed for in Local Plan policies.
167. I consider the CIL Review Update Report, the Addendum and associated evidence to be substantively robust notwithstanding the approach towards Beccles and Worlingham Garden Neighbourhood. I conclude that the residential and other rates proposed, as modified below, would not undermine the deliverability of the development plan. The proposed rates are therefore justified and strike an appropriate balance between additional investment to support development and the potential effect on the viability of developments.

Overall Conclusion

168. I conclude that the Draft Community Infrastructure Levy Charging Schedule, subject to modification, satisfies the drafting requirements. I recommend that the submitted Draft Charging Schedule, following modification, be approved.

Andrew Seaman

Examiner

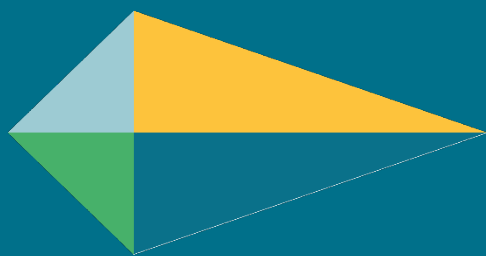
Appendix: Modifications

Note: deletions shown with ~~strike-through~~ and additions shown in *italics*.

Proposed modification number (PM)	Page no./ other reference	Modification																		
PM1	Appendix A	Amend Appendix A to reflect final adopted changes to parish/ward boundaries.																		
PM2	2	Correct numbering in table on page 2: “Table 3.4 1.4 – Other Rates”.																		
PM3	2	<div>Amend Table 3.1:</div> <table><thead><tr><th>Strategic Sites Charging Zone</th><th>Rate of CIL per sqm</th></tr></thead><tbody><tr><td>Policy SCLP12.29: South Saxmundham Garden Neighbourhood</td><td>£100</td></tr><tr><td>Policy SCLP12.3: North Felixstowe Garden Neighbourhood</td><td>£65</td></tr><tr><td>Policy SCLP12.64: Land off Howlett Way, Trimley St Martin</td><td>£160</td></tr><tr><td>Policy SCLP12.19: Brightwell Lakes/Adastral Park, Martlesham</td><td>£0</td></tr><tr><td>Policy WLP2.16: Land south of The Street, Carlton Colville/Gisleham</td><td>£90</td></tr><tr><td>Policy WLP3.1: Beccles and Worlingham Garden Neighbourhood</td><td>£30 £0</td></tr><tr><td>Policy WLP2.13: North of Lowestoft Garden Village</td><td>£60</td></tr><tr><td>Policy WLP2.4: Kirkley Waterfront and Sustainable Urban Neighbourhood</td><td>£0</td></tr></tbody></table>	Strategic Sites Charging Zone	Rate of CIL per sqm	Policy SCLP12.29: South Saxmundham Garden Neighbourhood	£100	Policy SCLP12.3: North Felixstowe Garden Neighbourhood	£65	Policy SCLP12.64: Land off Howlett Way, Trimley St Martin	£160	Policy SCLP12.19: Brightwell Lakes/Adastral Park, Martlesham	£0	Policy WLP2.16: Land south of The Street, Carlton Colville/Gisleham	£90	Policy WLP3.1: Beccles and Worlingham Garden Neighbourhood	£30 £0	Policy WLP2.13: North of Lowestoft Garden Village	£60	Policy WLP2.4: Kirkley Waterfront and Sustainable Urban Neighbourhood	£0
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Draft Strategic Environmental Assessment Screening Opinion

East Suffolk Draft Community
Infrastructure Levy Charging Schedule



EASTSUFFOLK
C O U N C I L

November 2021

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1. Introduction

In some circumstances a document could have significant environmental effects and may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require Strategic Environmental Assessment.

This screening report is designed to test whether or not the East Suffolk Draft Community Infrastructure Levy (CIL) Charging Schedule requires a full Strategic Environmental Assessment (SEA). The legislative background below outlines the regulations that require the use of this screening exercise. Section 4 provides a screening assessment of the likely significant effects of the charging schedule and the need for a full SEA.

The CIL Charging Schedule will identify rates of CIL that will be payable to the Council to fund infrastructure. The Council has two adopted Local Plans (Waveney Local Plan 2019 and Suffolk Coastal Local Plan 2020) which set out the strategies, policies and site allocations to inform future development and these have been subject to full Strategic Environmental Assessment in their preparation.

2. Legislative Background

The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This document is also known as the Strategic Environmental Assessment (or SEA) Directive. European Directive 2001/42/EC was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations, (as amended, including through EU exit legislation).

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply. SEA requirements relate to plans or programmes which are subject to preparation or adoption by an authority at national, regional or local level, which includes those prepared for town and country planning and land use. SEA is required where the plan or programme is likely to have significant environmental effects. It is therefore necessary to screen the CIL

charging schedule to identify whether significant environmental effects are likely. Where screening identifies significant environmental effects, a full Strategic Environmental Assessment is required.

3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC

The preparation of a plan or programme triggers a requirement to determine whether it is likely to have a significant environmental effect. This requirement is discharged by the 'responsible authority' being the authority by which or on whose behalf the plan or programme is prepared. Before making a determination, the responsible authority shall: -

- a) Take into account the criteria specified in Schedule 1 to the Regulations;
and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations. The opinions from the statutory consultation bodies: Historic England, the Environment Agency and Natural England, are therefore to be taken into account.

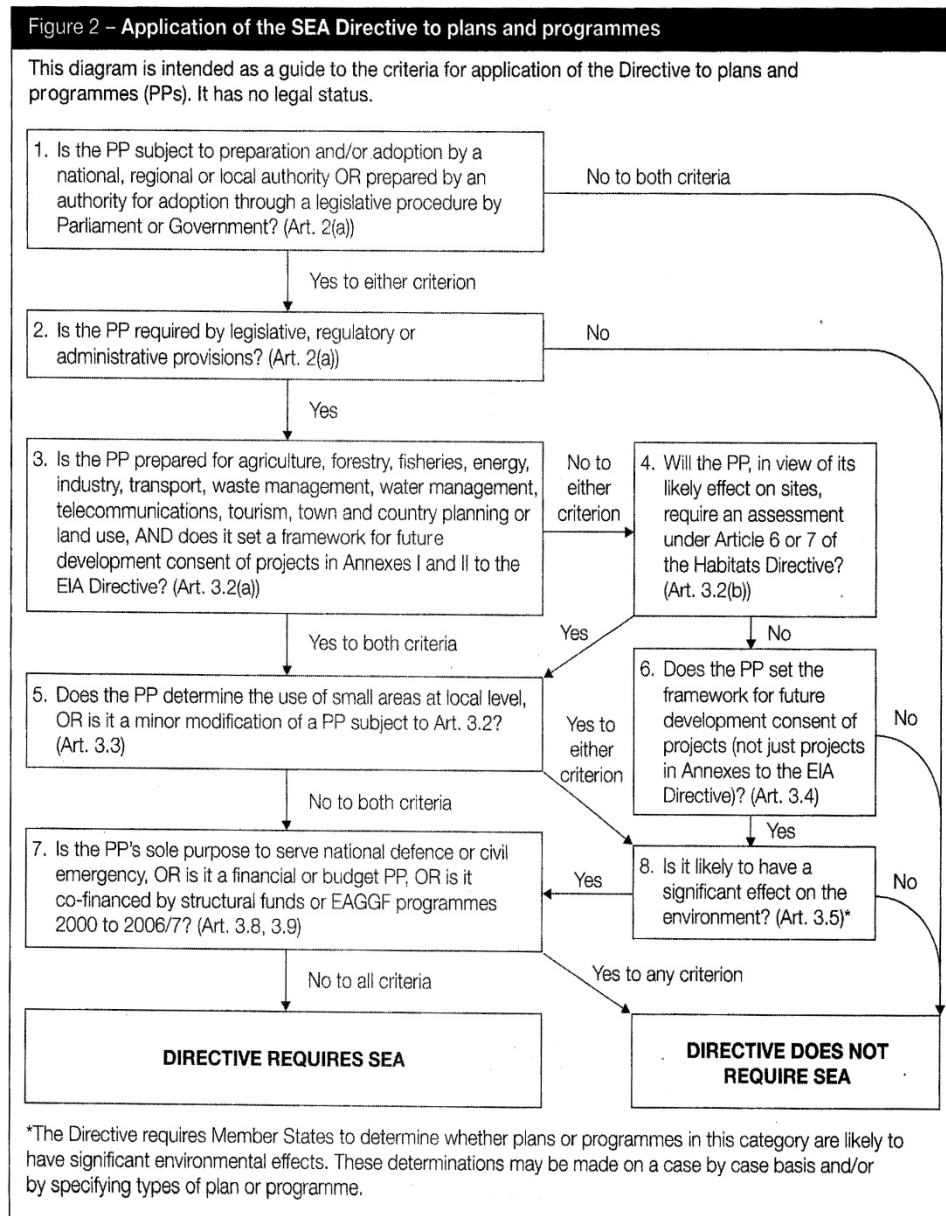
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

1. The characteristics of plans and programmes, having regards, in particular to:
 - a. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.
 - b. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
 - c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.

- d. Environmental problems relevant to the plan or programme.
 - e. The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
- a. The probability, duration, frequency and reversibility of the effects.
 - b. The cumulative nature of the effects.
 - c. The trans boundary nature of the effects.
 - d. The risks to human health or the environment (e.g. due to accidents).
 - e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f. the value and vulnerability of the area likely to be affected due to:
 - i. special natural characteristics or cultural heritage;
 - ii. exceeded environmental quality standards or limit values;
 - iii. intensive land-use; and
 - g. the effects on areas or landscapes which have a recognised national, community or international protection status.

4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



Source: A Practical Guide to the Strategic Environmental Assessment Directive (2005)

The following assessment applies the questions from the preceding diagram. The answers determine whether the Neighbourhood Plan will require a full Strategic Environmental Assessment.

1. Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))

Yes. The preparation and adoption of the Draft East Suffolk Community Infrastructure Levy Charging Schedule is being carried out by East Suffolk Council. It is being produced in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))

No. The CIL is not a legislative requirement. However, where an authority has made the decision to implement CIL, then this can only be done where a local authority has consulted on, and approved, a Charging Schedule which sets out its levy rates and has published the Charging Schedule on its website. The production of the CIL Charging Schedule is governed by Community Infrastructure Levy Regulations 2010 (as amended) and relates to the administration of the Council's planning service.

3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))

The CIL charging schedule is prepared in support of the delivery of town and country planning and infrastructure. The CIL Charging Schedule will not allocate any land for development and will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.

4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))

A separate screening exercise has been carried out under the Habitats Directive (92/43/EEC) and Conservation of Habitats and Species Regulations (2017) (as amended). This has determined that a full Appropriate Assessment is not required.

5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)

Not applicable (based on the responses to questions 3 and 4 above).

6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))

No. The Draft East Suffolk Community Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development and so therefore it will not give rise to likely significant effects on protected European Sites.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)

No. Not applicable.

8. Is it likely to have a significant effect on the environment? (Art. 3(5))

No. The East Suffolk Community Draft Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development that could give rise to significant effects on environment.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

5. Conclusion

The East Suffolk Draft Community Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development that could give rise to likely significant environmental effects.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the East Suffolk Draft Community Infrastructure Levy Charging Schedule to ensure compliance with SEA legislation.

Signed:

Dated: 05/11/2021

A handwritten signature in black ink, appearing to read 'Desi Reed', is written over a faint, light blue circular stamp or watermark.

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

East Suffolk Council carried out a public consultation during the initial stages of preparing a new Community Infrastructure Levy (CIL) Charging Schedule for the District. The public consultation was carried out from Monday 15th March to 5pm on Monday 26th April 2021.

Consultation documents included:

- East Suffolk CIL Charging Schedule Preparation
- East Suffolk CIL Equality Impact Assessment Screening Opinion
- East Suffolk CIL Instalment Policy
- Habitats Regulations Assessment of the Draft East Suffolk Community Infrastructure Levy Charging Schedule
- Strategic Environmental Assessment Screening Opinion for the East Suffolk CIL Charging Schedule Preparation

Consultees included East Suffolk Town and Parish Councils, neighbouring Town and Parish Councils, developers, landowners, agents, architects and individuals who have requested to be consulted on planning consultations. Natural England, Historic England and the Environment Agency were all consulted as statutory consultees.

Date: 26 April 2021
Our ref: 346651
Your ref:

planningpolicy@eastsuffolk.gov.uk

BY EMAIL ONLY



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T 0300 060 3900

Dear Adam Nicholls,

Planning consultation: East Suffolk Sustainable Construction Supplementary Planning Document and baseline evidence for the East Suffolk Community Infrastructure Levy Charging Schedule – Initial Consultations

Thank you for your consultation on the above dated 15 March 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NATURAL ENGLAND'S ADVICE

Sustainable Construction Supplementary Planning Document (SPD)

Natural England does not have any comments to make on the Sustainable Construction SPD.

East Suffolk Community Infrastructure Levy (CIL) Charging Schedule

Natural England does not have any comments to make on the East Suffolk CIL Charging Schedule.

Habitats Regulations Screening Assessment of the Draft CIL Charging Schedule

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Strategic Environmental Assessment of the Draft CIL Charging Schedule

Your assessment concludes that it is not necessary for a Strategic Environmental Assessment to be undertaken of the East Suffolk Community Infrastructure Levy Charging Schedule to ensure compliance with SEA legislation. On the basis of the information provided, Natural England concurs with this view.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07768 237040.

Yours sincerely

Sam Kench
Norfolk and Suffolk Team

From: Marsh, Andrew <[REDACTED]>
Sent: 30 June 2021 14:55
To: Ruth Bishop <Ruth.Bishop@eastsuffolk.gov.uk>
Cc: Marsh, Andrew <[REDACTED]>
Subject: East Suffolk Council - SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Dear Ruth

Re: SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Thank you for inviting Historic England to comment on the SEA Screening Opinion of East Suffolk's Community Infrastructure Levy. Having reviewed the report I can confirm that we agree that no further SEA work is required. We have no further comments to make. I would be grateful if you would confirm receipt of this email.

Kind regards,

Andrew Marsh BSc MA MRTPI
Historic Environment Planning Adviser
Development Advice | East of England
Historic England
Mobile: [REDACTED]
Direct line: [REDACTED]

Historic England
Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU
www.historicengland.org.uk

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Dear Sir / Madam

East Suffolk Council – initial consultation to inform the Sustainable Construction Supplementary Planning Document, and initial work on development costs to inform the CIL charging schedule

Thank you for inviting Historic England to comment on both the initial consultation to inform the Sustainable Construction Supplementary Planning Document and the CIL charging schedule. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.

We have reviewed both consultations and very much welcome the preparation of these documents which will support policy in East Suffolk Local Plan, provide guidance to developers and help guide the preparation and assessment of future planning applications.

While we don't have any specific comments to make at this stage regarding the initial CIL work, we particularly welcome the proposed inclusion of a section on the historic environment within the Sustainable Construction DPD. Listed buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirements of the Building Regulations where compliance would unacceptably alter their character and appearance. Special considerations under Part L are also given to locally listed buildings, buildings of architectural and historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture.

In developing policy covering this area you may find the Historic England guidance *Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to historically and traditionally constructed buildings* <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/> to be helpful in understanding these special considerations.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues. I would be grateful if you would confirm receipt of this email.

Kind regards

Andrew Marsh BSc MA MRTPI
Historic Environment Planning Adviser
Development Advice | East of England
Historic England
Mobile: [REDACTED]
Direct line: [REDACTED]



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From: Ipswich, Planning <planning.ipswich@environment-agency.gov.uk>
Sent: 25 June 2021 13:05 [REDACTED]
To: Ruth Bishop <Ruth.Bishop@eastsoffolk.gov.uk>
Subject: RE: SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Good Afternoon Ruth

Thank you for your consultation.

The Environment Agency have no comments to make.

Kind Regards

Liam

Liam Robson

Sustainable Places Planning Advisor – East Anglia Area (East)

Environment Agency | Iceni House, Cobham Road, Ipswich, Suffolk, IP3 9JD

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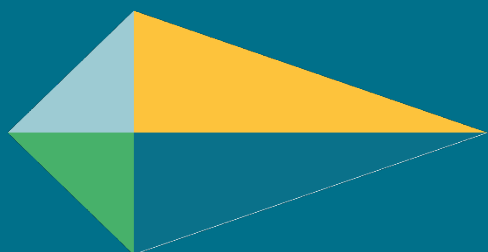
East Suffolk Council
Riverside, 4 Canning Road, Lowestoft
Suffolk NR33 0EQ



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Draft Habitats Regulations Screening Assessment

East Suffolk Draft Community
Infrastructure Levy Charging Schedule



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November 2021

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1. Introduction

1.1 The European Habitats Directive¹ and Wild Birds Directive² provide protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both types can also be referred to as European Sites. The National Planning Policy Framework (NPPF) also states that Ramsar sites should be afforded the same level of protection as the European sites.

1.2 The requirement to undertake Habitats Regulation Assessment (HRA) of plans and projects is set out in the Conservation of Habitats and Species Regulations (2017) (as amended, including through EU exit legislation).

1.3 Regulation 105 of the Conservation of Habitats and Species Regulations (2017) (as amended, including through EU exit legislation) states:

‘Where a land use plan:

(a) Is likely to have a significant effect on a European sites or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, The plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.’

1.4 The HRA is therefore undertaken in stages and should conclude whether or not a proposal or policy would adversely affect the integrity of any sites.

Stage 1: Determining whether a plan is likely to have a significant effect on a European site. This needs to take account of the likely impacts in combination with other relevant plans and projects. This assessment should be made using the precautionary principle. The screening assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the European

¹ 92/43/EEC

² 2009/147/EEC

Union³, which has ruled that where mitigation is necessary this must be identified through an Appropriate Assessment.

Stage 2: Carrying out Appropriate Assessment and ascertaining the effect on site integrity. The effects of the plan on the conservation objectives of sites should be assessed, to ascertain whether the plan has an adverse effect on the integrity of a European site.

Stage 3: Identifying mitigation measures and alternative solutions. The aim of this stage is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is no longer at risk. If there are still likely to be negative impacts, the option should be dropped, unless exceptionally it can be justified by imperative reasons of overriding public interest.

- 1.5 The East Suffolk Draft Community Infrastructure Levy Charging Schedule is being produced by East Suffolk Council. The Charging Schedule will apply to the whole of the East Suffolk. This report considers whether there are likely to be significant effects on protected European sites and whether a full Appropriate Assessment may be required.
- 1.6 East Suffolk Council is covered by two Local Plans, the Suffolk Coastal Local Plan (adopted in September 2020) and the Waveney Local Plan (adopted in March 2019).
- 1.7 Both Local Plans were subject to Habitats Regulations Assessment as part of their production. Where screening identified a likely significant effect, Appropriate Assessment was undertaken and the mitigation measures identified were incorporated within the Plans, resulting in conclusions that the plans will not lead to any adverse effects on European wildlife sites within and in the vicinity of the (then) Suffolk Coastal and Waveney Districts. Both Appropriate Assessments identified recreational disturbance particularly from dog walkers as a significant effect. The Council has subsequently produced a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and

³ C-323/17 – People over Wind, Peter Sweetman v Coillte Teoranta

requires payment towards mitigation from residential developments within 13km of the protected European sites.

2. Protected sites covered by this report

- 2.1 Sites included in this assessment are listed in Table 1. This includes all sites that are within 20km of East Suffolk Council. The locations of the sites are shown on maps in Appendix 2 and the Qualifying Features and Conservation Objectives of the sites are contained in Appendix 3, along with a summary of the pressures and threats as documented in the Appropriate Assessments for the Local Plans.

Table 1: Relevant European protected sites

Name
Alde-Ore and Butley Estuaries SAC,
Alde-Ore Estuary SPA, Ramsar
Benacre to Easton Bavents SPA
Benacre to Easton Bavents Lagoons SAC
Breydon Water SPA, Ramsar
Broadland SPA, Ramsar
Deben Estuary SPA, Ramsar
Dew's Ponds SAC
Great Yarmouth North Denes SPA
Haisborough, Hammond and Winterton SAC
Minsmere to Walberswick Heaths & Marshes SAC
Minsmere – Walberswick SPA, Ramsar
Norfolk Valley Fens SAC
Outer Thames Estuary SPA
Orfordness – Shingle Street SAC
Sandlings SPA
Southern North Sea SAC
Staverton Park and The Thicks, Wantisden SAC
Stour and Orwell Estuaries SPA, Ramsar
The Broads SAC
Winterton-Horsey Dunes SAC

3. East Suffolk Draft Community Infrastructure Levy Charging Schedule

- 3.1 The Community infrastructure Levy (CIL) is a levy which local authorities across the country can choose to charge on new developments within their area. Funds collected through the CIL can be used to support the delivery of infrastructure which the local authority, local communities and stakeholders consider necessary to support the future growth of an area.
- 3.2 If a council wishes to secure developer contributions through the application of Community Infrastructure Levy (CIL), it must set out the delineation between the infrastructure types that will be sought through a S106 agreement and those through CIL. The CIL Charging Schedule sets out the amount of CIL liable for different development types, varied by zone (for residential uses).
- 3.3 At present, there are two separate CIL Charging Schedules operating in East Suffolk, firstly in the former Waveney District Council area (which was adopted in 2013) and secondly, in the former Suffolk Coastal District Council area (which was adopted in 2015). The age of the two CIL Charging Schedules and the fact that there are some differences between them, allied to the formal establishment of East Suffolk Council on 1st April 2019, means that the time is right for the Council to prepare a single CIL Charging Schedule for the whole of the East Suffolk district.
- 3.4 The Council plans to undertake a formal consultation on a new draft CIL Charging Schedule for the whole of East Suffolk in late summer 2021.

4. Other Plans and Projects

- 4.1 Regulation 105 of the 2017 Regulations (as amended, including through EU exit legislation) requires consideration to be given to whether a Plan will have an effect either alone or in combination with other plans or projects.
- 4.2 As noted in the introduction, the other key plans are the Local Plans. The Local Plans set out the broad scale and distribution of development across the area

of East Suffolk formerly covered by Suffolk Coastal District and Waveney District.

4.3 A screening process considered each policy in the Suffolk Coastal and Waveney Local Plans and concluded whether significant effects were likely and if Appropriate Assessment was therefore needed. The Appropriate Assessments of the Suffolk Coastal and Waveney Local Plans considered the following themes:

- a. Recreation pressure,
- b. Air quality and traffic emissions,
- c. Biodiversity net gain,
- d. Urbanisation,
- e. Water quality, resources and treatment, and
- f. Flood risk and coastal erosion.

4.4 Mitigation measures were identified within the Appropriate Assessments and incorporated within both Local Plans, resulting in a conclusion that neither plan would lead to any adverse effects on European wildlife sites within and in the vicinity of the (then) Suffolk Coastal and Waveney Districts.

5. Assessment of likely effects of the East Suffolk Draft Community Infrastructure Levy Charging Schedule on European protected sites

5.1 The East Suffolk Draft Community Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development that could give rise to likely significant effects on protected European Sites.

5.2 The CIL Charging Schedule is a financial tool to raise funding from development to support infrastructure delivery.

5.3 The CIL charge will not be used to fund the mitigation of recreational impacts arising from new residential development, this is being secured separately through the Council's Recreational disturbance Avoidance and Mitigation

Strategy (RAMS) and this approach will continue after the adoption of any new CIL charging Schedule.

6. Summary and conclusions

- 6.1 Community Infrastructure Levy (CIL) is a levy which local authorities across the country can choose to charge on new developments within their area. Funds collected through the CIL can be used to support the delivery of infrastructure which the local authority, local communities and stakeholders consider necessary to support the future growth of an area. The CIL Charging Schedule sets out the amount of CIL liable for different development types, varied by zone (for residential uses).
- 6.2 The Charging Schedule is a financial tool to raise funding from development to support infrastructure delivery; it does not allocate any land or sites for new dwellings or other types of development.
- 6.3 On that basis, it is considered, that the East Suffolk Community Infrastructure Levy Charging Schedule will not lead to likely significant effects on protected European sites.

Signed:

Dated: 05/11/2021

A handwritten signature in black ink, appearing to read 'Desi Reed'. The signature is written in a cursive, slightly slanted style.

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

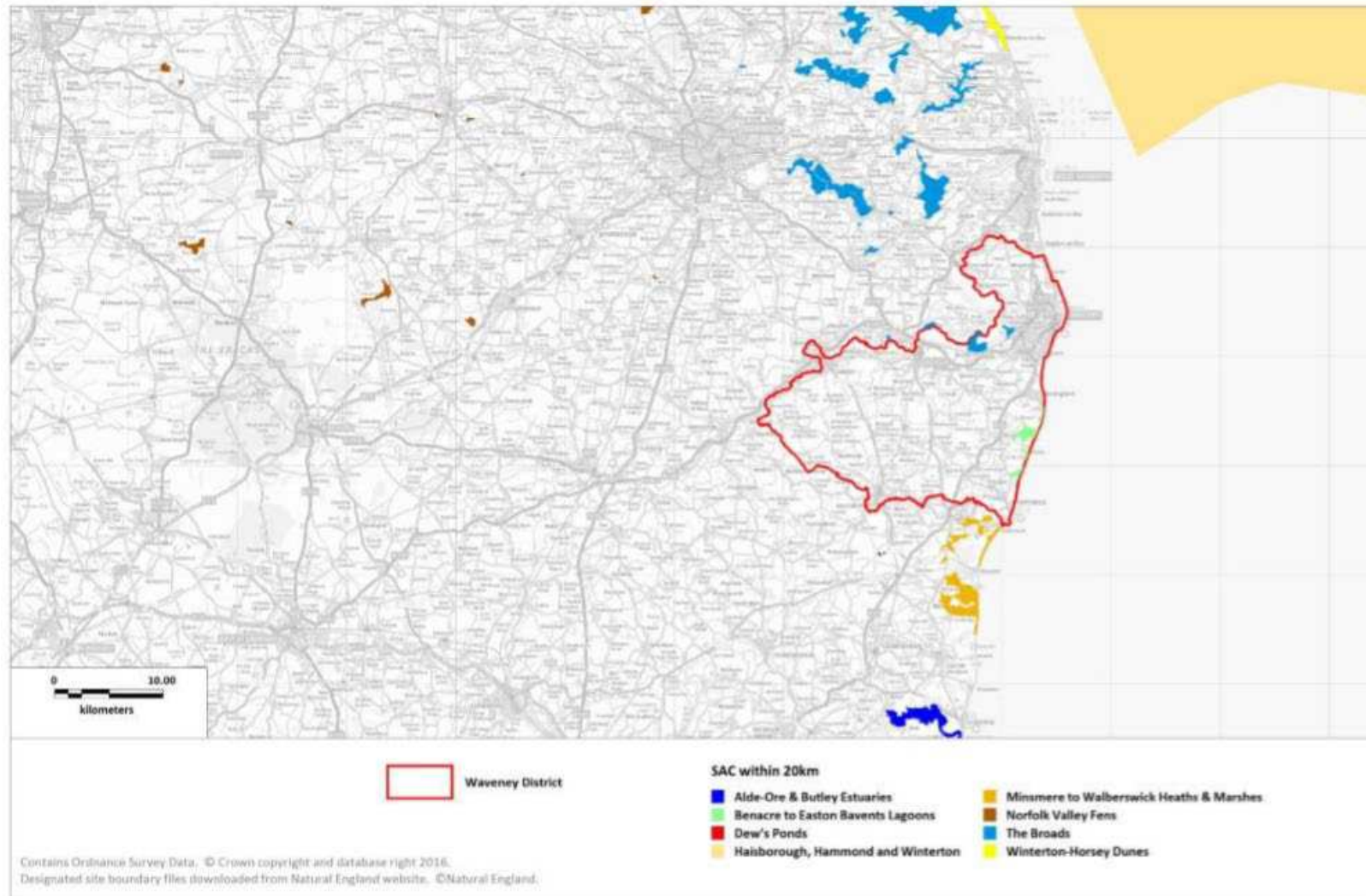
Appendix 1: Sources of background information

- East Suffolk Council – Suffolk Coastal Local Plan (September 2020)
- East Suffolk Council – Waveney Local Plan (March 2019)
- Habitats Regulations Assessment for the Suffolk Coastal Local Plan at Final Draft Plan stage (incorporating Main Modifications) (May 2020)
- The Habitats Regulations Assessment of the Waveney Local Plan (December 2018)

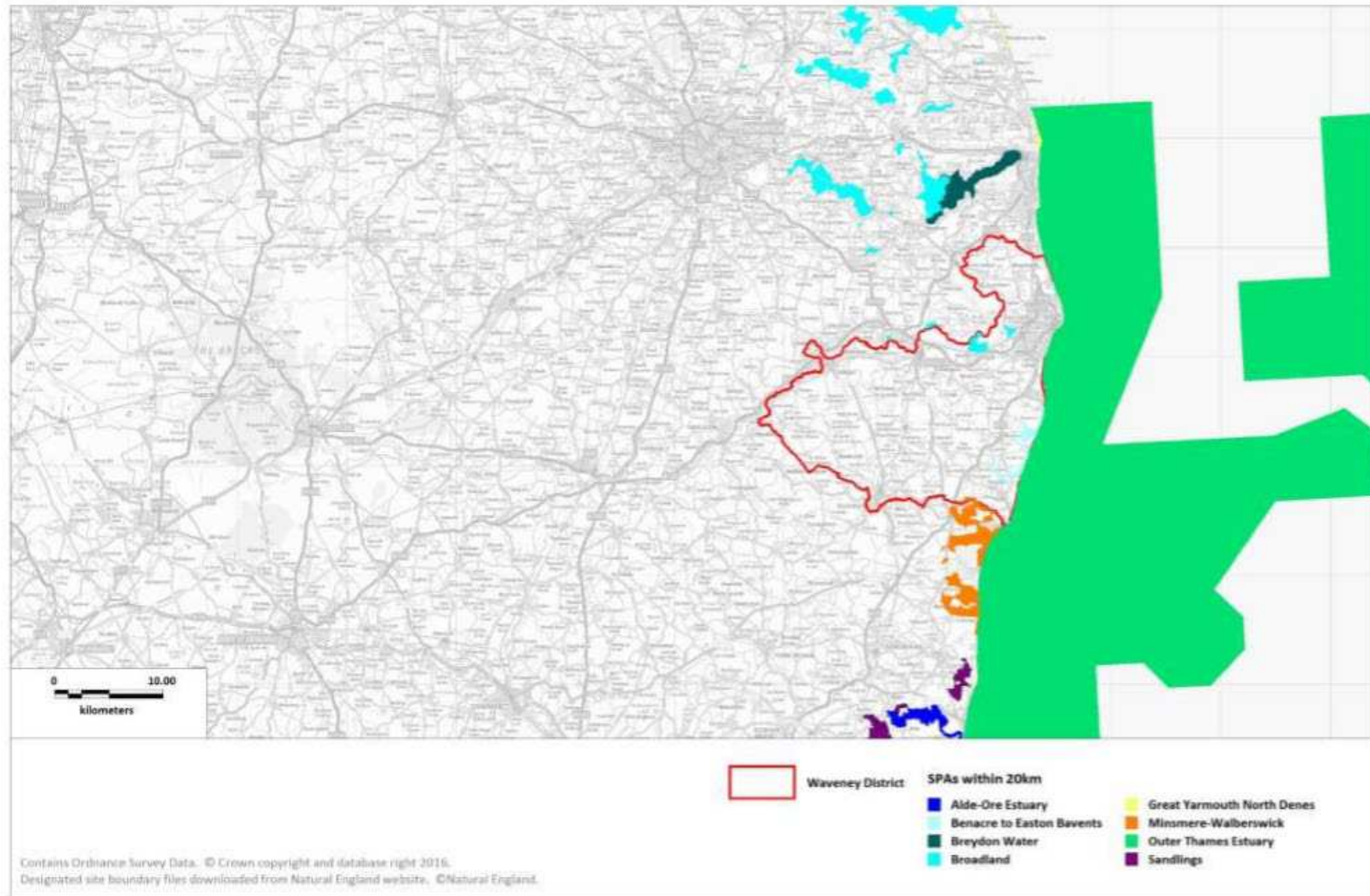
Appendix 2: Locations of European protected sites

European protected sites within 20km of the East
Suffolk Council- Waveney Local Plan Area

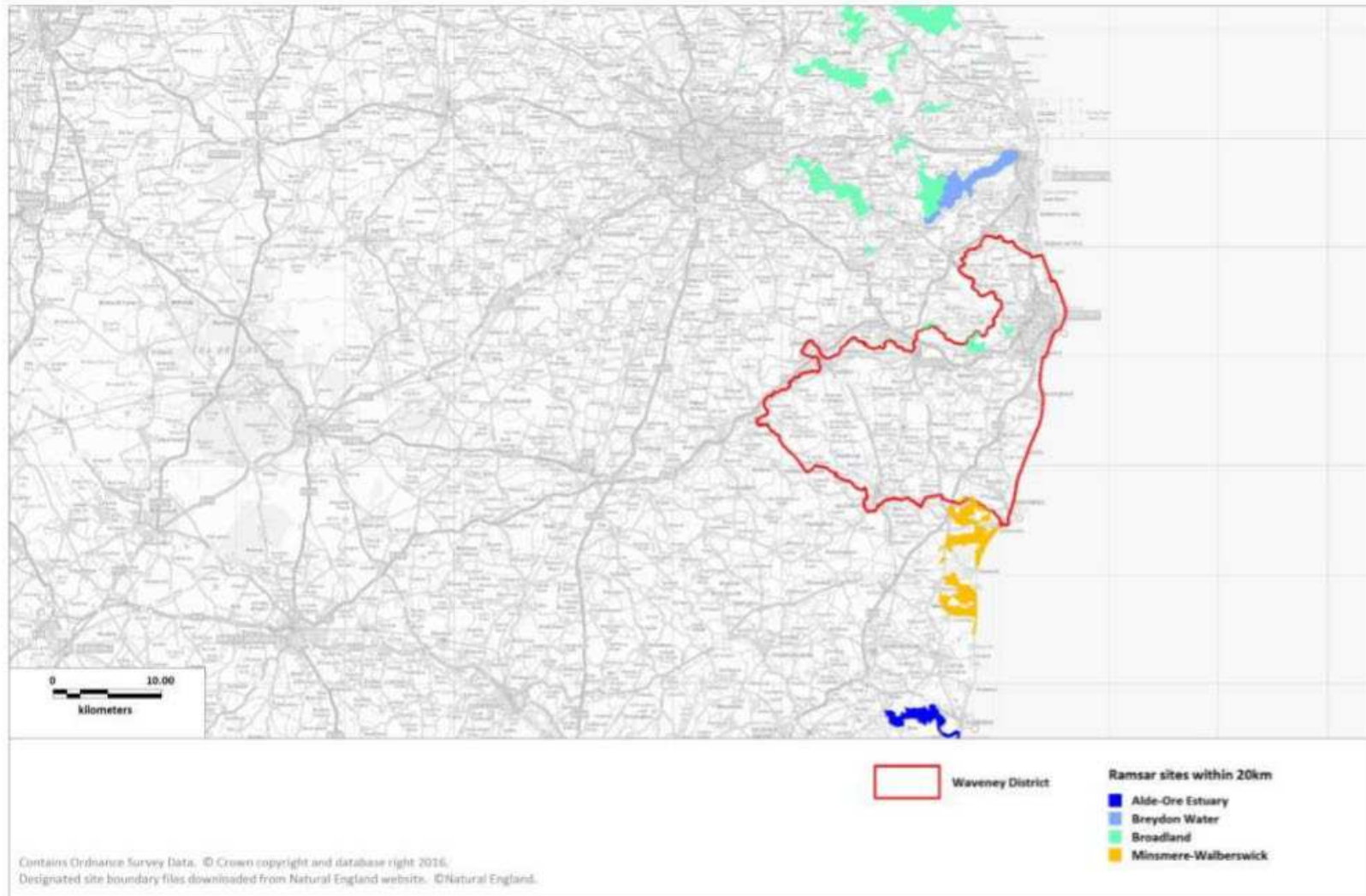
Map 1: SACs



Map 2: SPAs

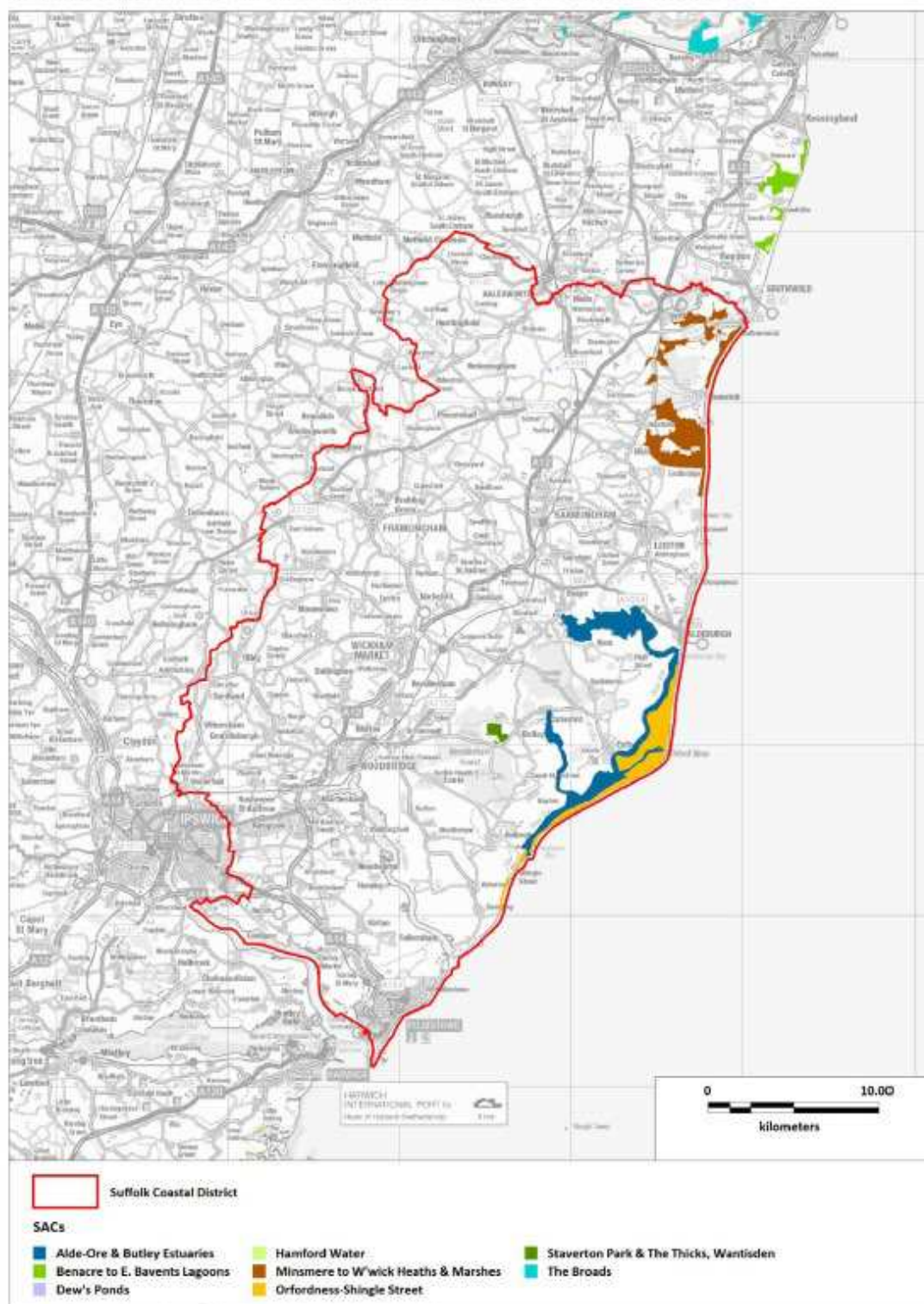


Map 3: Ramsar Sites



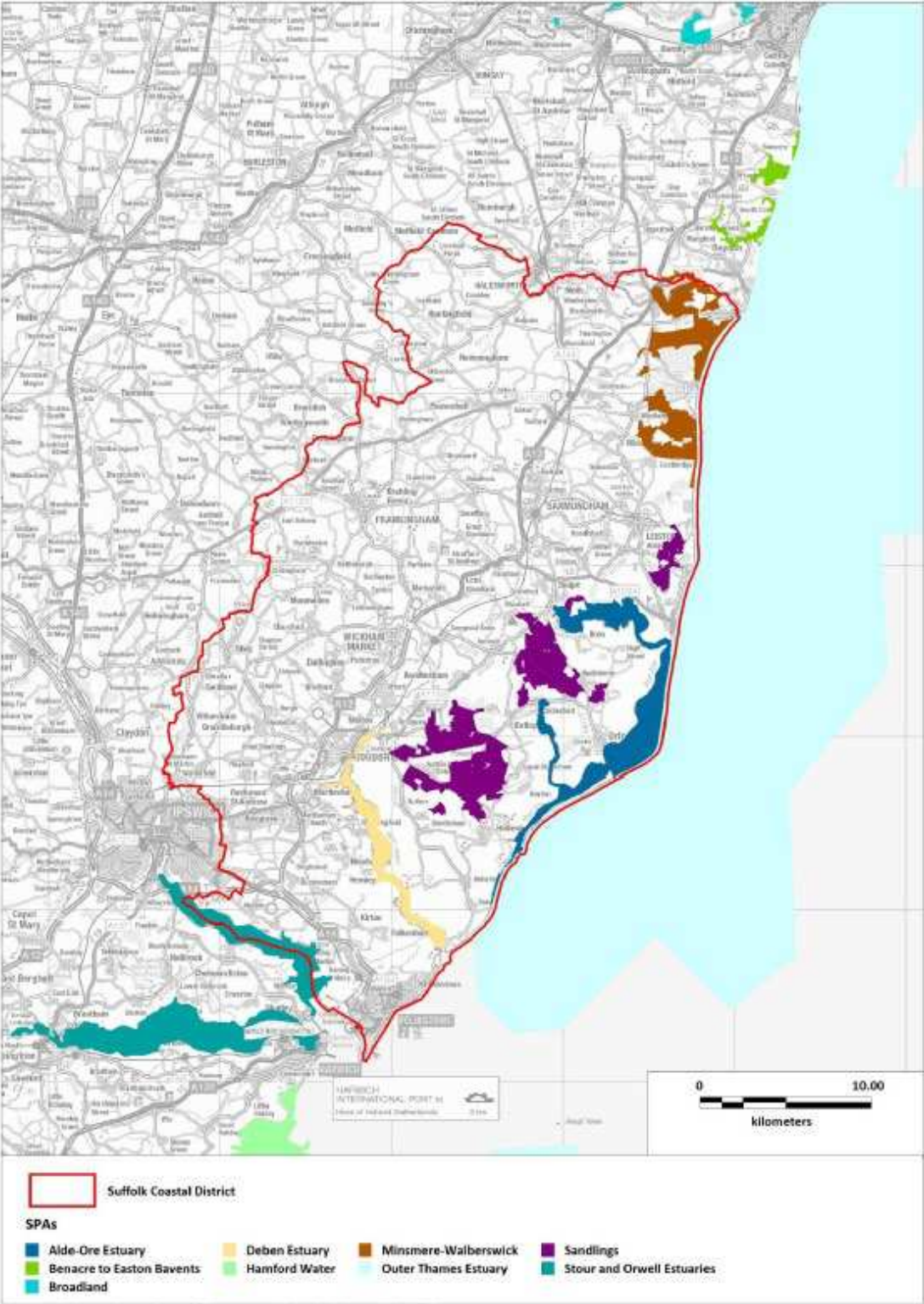
European protected sites within 20km of the East Suffolk Council- Suffolk Coastal Local Plan Area

Map 1: SAC sites where boundary within 20km of Suffolk Coastal District

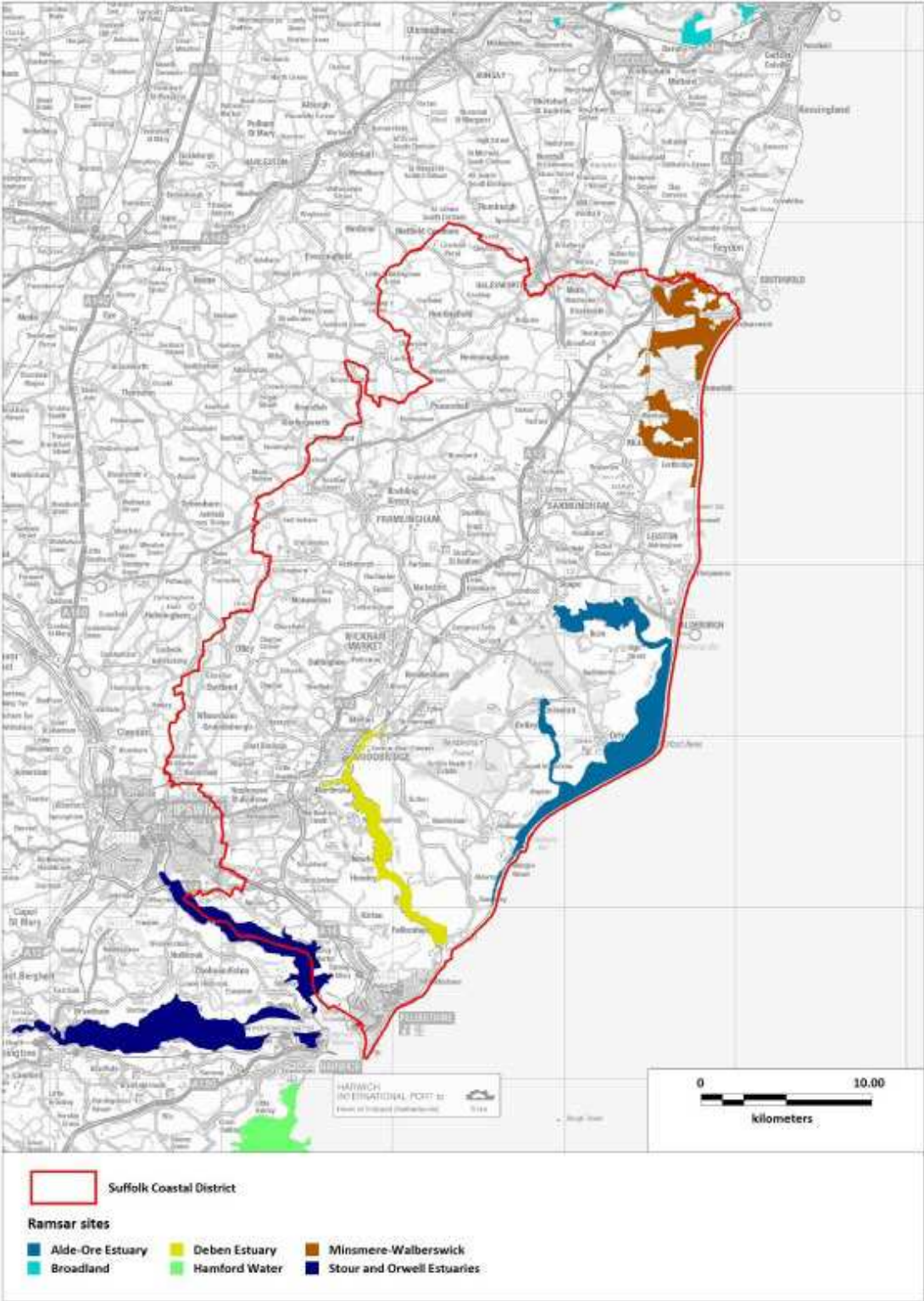


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Map 2: SPA sites where boundary within 20km of Suffolk Coastal District



Map 3: Ramsar sites where boundary within 20km of Suffolk Coastal District



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Appendix 3: Relevant European protected sites

Name	Qualifying features	Conservation Objectives	Pressure and threats (as summarised in the Habitats Regulations Assessment for the Suffolk Coastal Local Plan at Final Draft Plan Stage (December 2018))
Special Areas of Conservation			
Alde-Ore and Butley Estuaries	H1130: Estuaries H1140: Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats H1330: Atlantic salt meadows	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring: The extent and distribution of qualifying natural habitats; The structure and function (including typical species) of qualifying natural habitats; The supporting processes on which qualifying natural habitats rely.	Hydrological changes, public access/disturbance, inappropriate coastal management, coastal squeeze, inappropriate pest control, changes in species distributions, invasive species, air pollution, fisheries (commercial marine and estuarine) (Alde-Ore and Butley Estuaries SAC and Alde-Ore SPA)
Benacre to Easton Bavents Lagoons	H1150# Coastal lagoons, A195(B) <i>Sterna albifrons</i> : Little tern A021(B) <i>Botaurus stellaris</i> : Great bittern A081(B) <i>Circus aeruginosus</i> : Eurasian marsh harrier	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by	Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).

		<p>maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats,</p> <p>The structure and function (including typical species) of qualifying natural habitats, and,</p> <p>The supporting processes on which qualifying natural habitats rely.</p>	
Dew's Ponds	S1166 Triturus cristatus: Great crested newt	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of qualifying species,</p> <p>The structure and function of the habitats of qualifying species,</p> <p>The supporting processes on which the habitats of qualifying species rely,</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	None identified
Minsmere to Walberswick	H4030 European dry heaths	<p>Ensure that the integrity of the site is maintained or</p>	Coastal squeeze, public access/disturbance, changes in species

Heaths and Marshes	<p>H1210 Annual vegetation of drift lines</p> <p>H1220 Perennial vegetation of stony banks</p> <p>A052(B) <i>Anas crecca</i>: Eurasian teal</p> <p>A021(B) <i>Botaurus stellaris</i>: Great bittern</p> <p>A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p> <p>A082(NB) <i>Circus cyaneus</i>: Hen harrier</p> <p>A224(B) <i>Caprimulgus europaeus</i>: European nightjar</p> <p>A056(B) <i>Anas clypeata</i>: Northern shoveler</p> <p>A056(NB) <i>Anas clypeata</i>: Northern shoveler</p> <p>A051(B) <i>Anas strepera</i>: Gadwall</p> <p>A051(NB) <i>Anas strepera</i>: Gadwall</p> <p>A132(B) <i>Recurvirostra avosetta</i>: Pied avocet</p> <p>A195(B) <i>Sterna albifrons</i>: Little tern</p> <p>A394(NB) <i>Anser albifrons</i>: Greater white-fronted goose</p>	<p>restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats,</p> <p>The structure and function (including typical species) of qualifying natural habitats, and,</p> <p>The supporting processes on which qualifying natural habitats rely.</p>	<p>distributions, invasive species, inappropriate pest control, air pollution, water pollution, deer, fisheries (commercial marine and estuarine)</p>
Orfordness – Shingle Street	<p>H1150: Coastal Lagoons</p> <p>H1210: Annual vegetation of drift lines</p> <p>H1220: Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying</p>	<p>Not identified in Suffolk Coastal Final Draft Local Plan HRA.</p>

		<p>Features by maintaining or restoring: The extent and distribution of qualifying natural habitats; The structure and function (including typical species) of qualifying natural habitats; and The supporting processes on which qualifying natural habitats rely.</p>	
Staverton Park and The Thicks, Wantisden	H9190: Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains; Dry oak-dominated woodland.	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring: The extent and distribution of qualifying natural habitats; The structure and function (including typical species) of qualifying natural habitats; and The supporting processes on which qualifying natural habitats rely.</p>	Woodland management, disease, atmospheric pollution.
The Broads	H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> S1016 <i>Vertigo moulinsiana</i> :	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the</p>	Water pollution, climate change, invasive species, siltation, inappropriate water levels, hydrological changes, water abstraction, change in land management,

	<p>Desmoulin's whorl snail H7230 Alkaline fens H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) H91E0# Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) H7140 Transition mires and quaking bogs H3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp H3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation S1355 Lutra lutra: Otter S1903 Liparis loeselii: Fen orchid S4056 Anisus vorticulus: Little ramshorn whirlpool snail</p>	<p>Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats and habitats of qualifying species, The structure and function (including typical species) of qualifying natural habitats, The structure and function of the habitats of qualifying species, The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, The populations of qualifying species, and, The distribution of qualifying species within the site.</p>	<p>inappropriate ditch management, inappropriate scrub control, changes in species distributions, public access/disturbance, undergrazing, drainage, direct impact from 3rd party</p>
Special Protection Areas			
<p>Alde-Ore Estuary (also Ramsar site)</p>	<p>A081: Eurasian marsh harrier (breeding) A132: Pied avocet (non-breeding) A132: Pied avocet (breeding) A151: Ruff (non-breeding) A162: Common redshank (non-breeding)</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p>	<p>Hydrological changes, public access/disturbance, inappropriate coastal management, coastal squeeze, inappropriate pest control, changes in species distributions, invasive species, air pollution, fisheries (commercial marine and estuarine)</p>

	<p>A183: Lesser black-backed gull (breeding)</p> <p>A191: Sandwich tern (breeding)</p> <p>A195: Little tern (breeding)</p>	<p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features;</p> <p>and</p> <p>The distribution of the qualifying features within the site.</p>	<p>(Alde-Ore and Butley Estuaries SAC and Alde-Ore SPA)</p>
Benacre to Easton Barents	<p>H1150# Coastal lagoons,</p> <p>A195(B) <i>Sterna albifrons</i>: Little tern</p> <p>A021(B) <i>Botaurus stellaris</i>: Great bittern</p> <p>A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features,</p> <p>The structure and function of the habitats of the qualifying features,</p> <p>The supporting processes on which the habitats of the qualifying features rely,</p> <p>The population of each of the qualifying features,</p> <p>and,</p>	<p>Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).</p>

		The distribution of the qualifying features within the site.	
Broadlands (also Ramsar site)	<p>H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davalliana</i></p> <p>S1016 <i>Vertigo moulinsiana</i>: Desmoulin's whorl snail</p> <p>H7230 Alkaline fens</p> <p>H6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>)</p> <p>H91E0# Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>H7140 Transition mires and quaking bogs</p> <p>H3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp</p> <p>H3150 Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</p> <p>S1355 <i>Lutra lutra</i>: Otter</p> <p>S1903 <i>Liparis loeselii</i>: Fen orchid</p> <p>S4056 <i>Anisus vorticulus</i>: Little ramshorn whirlpool snail</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species,</p> <p>The structure and function (including typical species) of qualifying natural habitats,</p> <p>The structure and function of the habitats of qualifying species,</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely,</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	<p>Water pollution, climate change, invasive species, siltation, inappropriate water levels, hydrological changes, water abstraction, change in land management, inappropriate ditch management, inappropriate scrub control, changes in species distributions, public access/disturbance, undergrazing, drainage, direct impact from 3rd party</p>

Deben Estuary (also Ramsar site)	A046a: Dark bellied brent goose (non-breeding) A132: Pied avocet (non-breeding)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The population of each of the qualifying features; and The distribution of the qualifying features within the site.	Coastal squeeze, disturbance to birds, water and air pollution.
Outer Thames Estuary	A001: Red-throated Diver (Non-breeding) A195: Common Tern (Breeding) A193: Little Tern (Breeding)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: The extent and distribution of the habitats of the qualifying features; The structure and function of the	Not identified in Suffolk Coastal Final Draft Local Plan HRA. SIP identifies fisheries.

		habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The population of each of the qualifying features; and The distribution of the qualifying features within the site.	
Minsmere to Walberswick (also Ramsar site)	H4030 European dry heaths H1210 Annual vegetation of drift lines H1220 Perennial vegetation of stony banks A052(B) <i>Anas crecca</i> : Eurasian teal A021(B) <i>Botaurus stellaris</i> : Great bittern A081(B) <i>Circus aeruginosus</i> : Eurasian marsh harrier A082(NB) <i>Circus cyaneus</i> : Hen harrier A224(B) <i>Caprimulgus europaeus</i> : European nightjar A056(B) <i>Anas clypeata</i> : Northern shoveler A056(NB) <i>Anas clypeata</i> : Northern shoveler A051(B) <i>Anas strepera</i> : Gadwall A051(NB) <i>Anas strepera</i> : Gadwall A132(B) <i>Recurvirostra avosetta</i> : Pied avocet	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; The extent and distribution of the habitats of the qualifying features, The structure and function of the habitats of the qualifying features, The supporting processes on which the habitats of the qualifying features rely, The population of each of the qualifying features, and, The distribution of the qualifying features within the site.	Coastal squeeze, public access/disturbance, changes in species distributions, invasive species, inappropriate pest control, air pollution, water pollution, deer, fisheries (commercial marine and estuarine)

	A195(B) Sterna albifrons: Little tern A394(NB) Anser albifrons albifrons: Greater white-fronted goose		
Outer Thames Estuary	A001 (W) Gavia stellate Red-throated Diver A195 (B) Sterna hirundo Common Tern A193 (B) Sternula albifrons Little Tern	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; The extent and distribution of the habitats of the qualifying features, The structure and function of the habitats of the qualifying features, The supporting processes on which the habitats of the qualifying features rely, The population of each of the qualifying features, and, The distribution of the qualifying features within the site.	Not identified in Suffolk Coastal Final Draft Local Plan HRA. SIP identifies fisheries.
Sandlings	A224: European nightjar (breeding) A246: Woodlark (breeding)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:	Changes in species distributions, inappropriate scrub control, deer, air pollution, public access/disturbance.

		<p>The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The population of each of the qualifying features; and The distribution of the qualifying features within the site.</p>	
<p>Stour and Orwell Estuaries (also Ramsar site)</p>	<p>A046a: Dark bellied brent goose (non-breeding) A054: Northern pintail (non-breeding) A132: Pied avocet (non-breeding) A141: Grey plover (non-breeding) A143: Red knot (non-breeding) A149: Dunlin (non-breeding) A156: Black-tailed godwit (non-breeding) A162: Common redshank (non-breeding) Waterbird assemblage</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The population of each of the qualifying features; and</p>	<p>Coastal squeeze, disturbance to birds, air pollution and new development.</p>

East Suffolk Draft Community Infrastructure Levy Charging Schedule
Draft Habitats Regulations Screening Assessment – November 2021

		The distribution of the qualifying features within the site.	
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Appendix 4: Natural England Consultation Response

Date: 26 April 2021
Our ref: 346651
Your ref:

planningpolicy@eastsuffolk.gov.uk

BY EMAIL ONLY



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ
T 0300 060 3900

Dear Adam Nicholls,

Planning consultation: East Suffolk Sustainable Construction Supplementary Planning Document and baseline evidence for the East Suffolk Community Infrastructure Levy Charging Schedule – Initial Consultations

Thank you for your consultation on the above dated 15 March 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NATURAL ENGLAND'S ADVICE

Sustainable Construction Supplementary Planning Document (SPD)

Natural England does not have any comments to make on the Sustainable Construction SPD.

East Suffolk Community Infrastructure Levy (CIL) Charging Schedule

Natural England does not have any comments to make on the East Suffolk CIL Charging Schedule.

Habitats Regulations Screening Assessment of the Draft CIL Charging Schedule

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Strategic Environmental Assessment of the Draft CIL Charging Schedule

Your assessment concludes that it is not necessary for a Strategic Environmental Assessment to be undertaken of the East Suffolk Community Infrastructure Levy Charging Schedule to ensure compliance with SEA legislation. On the basis of the information provided, Natural England concurs with this view.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07768 237040.

Yours sincerely

Sam Kench
Norfolk and Suffolk Team

Page 1 of 1

.69 in



Email us

Planning Policy and Delivery Team
planningpolicy@eastsuffolk.gov.uk



Call us

01394 444557



Write to us

East Suffolk Council
Riverside, 4 Canning Road, Lowestoft
Suffolk NR33 0EQ



This document is available in alternative formats and in different languages on request. If you need support or assistance to help you read and/or understand this document, please contact the Council using one of the methods above.

Equality Impact Assessment Screening Opinion

East Suffolk Community Infrastructure Levy
(CIL) Draft Charging Schedule

October 2021



Introduction

1. It is the Council's duty under the Equality Act 2010 to undertake an Equality Impact Analysis at the time of formulating a decision, drafting a report, designing or amending a policy. This will ensure that the Council is considering and taking positive action where possible to promote access to services for all their communities, including their wider communities. The Equality Impact Assessment Screening Assessment will assess whether there is any impact upon any of the groups with protected characteristics under the Equalities Act, which are listed in the table below. If an adverse impact upon any of these groups is identified, then a full Equalities Impact Assessment will be required.
2. The East Suffolk Community Infrastructure Levy Draft Charging Schedule (CIL Charging Schedule) is a charge on development that pays for the cost of infrastructure to support development throughout the District. There are different rates of CIL charge for different types of development. The CIL is a Council programme and so has the potential to impact upon groups that are protected under the Equality Act. Therefore, an Equalities Impact Assessment Screening Opinion is needed. This will enable the Council to ascertain whether there are any negative impacts upon these groups, in which case a full Equality Impact Assessment will be needed.
3. There are currently two separate CIL Charging Schedule operating in East Suffolk, firstly in the former Waveney District Council area (which was adopted in 2013) and secondly, in the former Suffolk Coastal District Council area (which was adopted in 2015). A CIL Charging Schedule sets out the levy costs which are required to be made by developers to support the delivery of infrastructure in a specified area, which can be varied by development type and size. It has now been decided to prepare a single CIL Charging Schedule for East Suffolk.
4. Viability work has been undertaken to ensure that the East Suffolk Community Infrastructure Levy charging schedule will not impact upon development viability. It also ensures that development will continue to be able to meet policy requirements detailed in the Suffolk Coastal Local Plan and Waveney Local Plan in terms of the delivery of housing for those of different age groups, as well as those with a health problem or disability. The CIL charging schedule also covers issues such as housing size and different types of tenure.
5. The adopted Waveney (2019) and Suffolk Coastal (2020) Local Plan set out various housing and other development allocations and requirements, including for (amongst others) i) affordable housing requirements and ii) specialist housing requirements (such as retirement accommodation and care homes). Equalities Impact Assessments were prepared to

accompany both Local Plan documents. Key Local Plan elements such as affordable housing amounts cannot be re-considered during the CIL Charging Schedule preparation process.

6. The Equality Act 2010 lists nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. East Suffolk Council has added a tenth characteristic, socio-economic deprivation, in addition to the nine protected characteristics listed in the legislation. This reflects that pockets of deprivation that exist across East Suffolk.

Screening of impact on different groups

	Groups	Likely Impact (positive/negative/no impact)	Reason for your decision
a	Age (includes safeguarding issues)	Positive impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. Funding raised by CIL is partly used to provide housing for the elderly. It will therefore benefit this group. Consultation documents will be available online and can be provided in hard copy on request. The consultation materials will be available to people of all ages and therefore will not discriminate in terms of age.
b	Disability	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not

			discriminate against those with a disability.
C	Gender reassignment	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. This consultation will therefore not discriminate against those who have undergone gender reassignment.
D	Marriage and Civil Partnership	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. This consultation will therefore not discriminate against those who are married or in a civil partnership.
E	Pregnancy and maternity	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. This consultation will therefore not discriminate against those who are pregnant or on maternity leave.

F	Race	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not discriminate against those from any racial background.
G	Religion or Belief	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not discriminate against those of different religious beliefs.
H	Sex	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not discriminate against those of different sexual identities.
I	Sexual orientation	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon

			this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not discriminate against those of different sexual orientations.
J	Socio-economic deprivation	No impact	The draft CIL Charging Schedule details the amount of CIL payable for different types of development. It will therefore not impact upon this group. Consultation documents will be available online and can be provided in hard copy on request so that they can be viewed by all. The consultation will therefore not discriminate against those who are experiencing socio-economic deprivation.

Consultation and Engagement

7. During the preparation of the CIL Charging Schedule there have been regular steering group meetings with colleagues in East Suffolk Council including Planning Policy, Infrastructure Delivery, and Major Sites and Infrastructure Officers. There have also been regular meetings with consultants from Aspinall Verdi.
8. There has been consultation during the preparation of the CIL Charging Schedule. An initial informal consultation took place between 15th March 2021 and 26th April 2021, on the basic assumptions for the draft CIL Charging Schedule. Members of the Town and Parish Councils, Suffolk County Council, East Suffolk Councillors, neighbouring district Councils including the Broads Authority, developers, agents, landowners, business associations, civic societies, infrastructure providers), and public were consulted.
9. The initial consultation was presented at East Suffolk Council's Developer Forum meeting on 15th April 2021. The presentation included information on the preparation of the CIL Charging Schedule, details of the key assumptions for the CIL Charging Schedule, links to

the consultation documents and an opportunity for questions and discussion. In addition, Council officers gave presentations to two East Suffolk Council Parish Council Forums in April 2021.

10. In total of 10 individuals and organisations responded to the consultation on the CIL Charging Schedule and 3 responded to the CIL Instalment Policy. The Council's response and how the comments informed the preparation of the CIL Charging Schedule is detailed in the Consultation Statement.
11. A second public consultation will take place from 11th November to 23rd December 2021 on the Draft CIL Charging Schedule. Consultation letters and emails will be sent to consultees. Publication online, in posters, newsletters and press releases will take place. The consultations will contact members of the Town and Parish Councils, Suffolk County Council, East Suffolk Councillors, neighbouring district Councils including the Broads Authority, developers, agents, landowners, business associations, civic societies, infrastructure providers), and members of the public.
12. In view of the current Covid-19 social distancing measures, the Council has set out measures to enable safe participation in the consultation and to ensure that those who wish to engage in the consultation are not disadvantaged. For those unable to view the consultation documents online, hard copies will be made available on request (free of charge) by post. For those who cannot view the consultation documents online or receive them by post, the Council will make hard copies available to view in libraries that are open and willing to host documents and in the Council's customer service centres by appointment. In view of these measures the Council does not consider that this consultation will disadvantage any of the groups covered by this EQIA screening exercise.

Presentation in Different Languages

13. As part of a six-week period of formal consultation, the document will be published on the Council's website, with hard copies available on request for those unable to access it online. The document may be requested in a different language. When such requests are received the Customer Services Team will be involved with ensuring this request is actioned.

Proposed Changes

14. The Council will analyse responses received during the public consultation and will make any necessary changes as a result of comments received.

Conclusion

15. No negative impact upon any group with protected characteristics or experiencing socio-economic deprivation was identified and therefore a full Equality Impact Assessment is not required.

East Suffolk Community Infrastructure Levy

Charging Schedule

1st August 2023



Purpose of this document

This document is the East Suffolk Community Infrastructure Levy (CIL) Charging Schedule. It sets out East Suffolk Council's rates of CIL that are charged on most types of new development in the area for which it is the Charging Authority. The Council is the Charging Authority for the entire council area, excluding the area covered by the Broads Authority. The money raised from the charge will be used to pay for infrastructure to support development within the Council area.

In setting its CIL rates in accordance with Regulation 14(1) of the Community Infrastructure Levy Regulations 2010 (as amended), East Suffolk Council has struck an appropriate balance between:

- the desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development of the council area, taking into account other actual and expected sources of funding; and
- the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the Council area.

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1. Community Infrastructure Levy Charging Rates

Residential Rates

- 1.1 The rates for standard residential development (C3 and C4 Use Class¹) are set out in Table 1.1 below. The rates for specialist (principally retirement) accommodation are set out separately under paragraph 1.2. The zones are defined in Appendix A.

Table 1.1 - Residential Rates

Residential Charging Zone	Rate of CIL per sqm
Zone 1 Higher Value Zone	£300
Zone 2 Mid Higher Value Zone	£200
Zone 3 Mid Value Zone	£100
Zone 4 Mid Lower Zone	£0
Zone 5 Lower Zone	£0

Specialist Accommodation

- 1.2 The rates for specialist accommodation are set out in Table 1.2 below.

Table 1.2 – Specialist Accommodation

Specialist Accommodation	Rate of CIL per sqm
Sheltered Housing ²	£0
Extra Care Housing ³	£0
Residential Care Homes ⁴	£0

¹ As defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

² This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager. Purely age-restricted accommodation – without the typical range of support services – is not included within this definition

³ This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages – the intention is for residents to benefit from varying levels of care as time progresses

⁴ These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes

Strategic Sites

- 1.3 There are eight sites allocated in either the 2019 Waveney Local Plan or 2020 Suffolk Coastal Local Plan that have been identified as strategic sites and have been chosen to test separately. The residential CIL rates for these sites are set out in Table 1.3 below (other forms of development will be charged at the relevant CIL rate for that development).

Table 1.3 – Strategic Sites

Strategic Sites Charging Zone	Rate of CIL per sqm
Policy SCLP12.29: South Saxmundham Garden Neighbourhood	£100
Policy SCLP12.3: North Felixstowe Garden Neighbourhood	£65
Policy SCLP12.64: Land off Howlett Way, Trimley St Martin	£160
Policy SCLP12.19: Brightwell Lakes/Adastral Park, Martlesham	£0
Policy WLP2.16: Land south of The Street, Carlton Colville/Gisleham	£90
Policy WLP3.1: Beccles and Worlingham Garden Neighbourhood	£0
Policy WLP2.13: North of Lowestoft Garden Village	£60
Policy WLP2.4: Kirkley Waterfront and Sustainable Urban Neighbourhood	£0

Other Rates

- 1.4 The rates proposed for other types of development are set out in Table 1.4 below. Holiday lodge zones are shown in the map in Appendix A.

Table 1.4 - Other Rates

Type of Development	Rate of CIL per sqm
Holiday Lodges not complying with the Caravan Act ⁴ – in defined coastal areas (see Charging Zone map)	£210
Holiday Lodges not complying with the Caravan Act ⁴ – in all other areas	£0
Convenience Retail ⁵	£70
Comparison Retail ⁶	£0
Employment (offices, industrial, warehouses)	£0
All other development	£0

⁴ Permanent buildings for the purposes of tourist accommodation, restricted from permanent residential use by condition and which do not comply with the Caravan Act. Any structure which is compliant with the Caravan Act is not a 'building' and so is not liable for CIL

⁵ Convenience retail units sell everyday essential items such as food and drink. For the purposes of this CIL Charging Schedule, any comparison goods sold in a convenience store must make up no more than 49% of the floorspace, controlled by planning condition

⁶ Comparison retail units sell items that are not typically purchased on an everyday basis, such as clothing, books or furniture

2. Monitoring

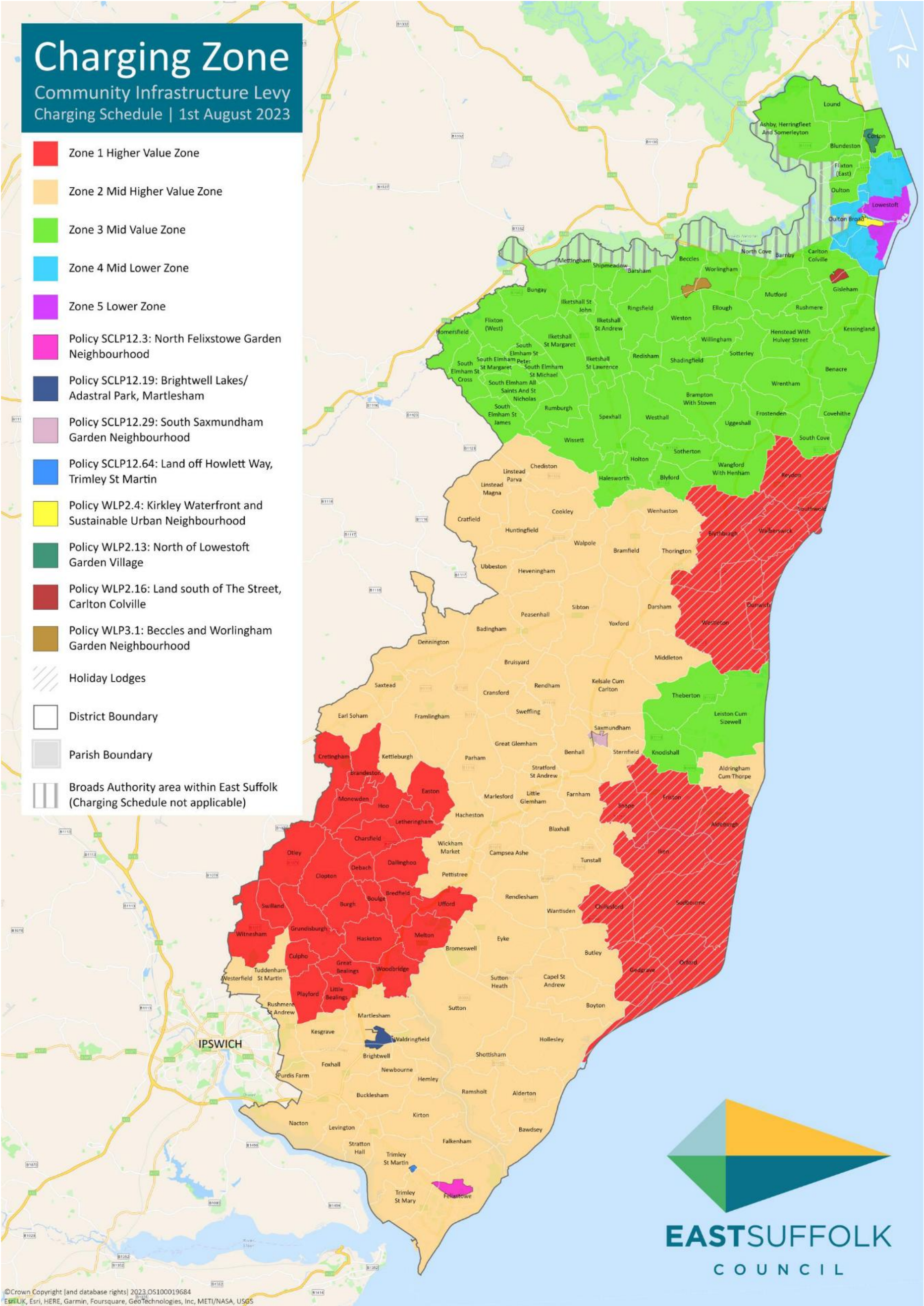
- 2.1 This Charging Schedule will be regularly monitored.
- 2.2 CIL rates in this Charging Schedule will be adjusted annually, on 1st January, using the RICS CIL Index, which is published in November of the preceding year by the Royal Institute of Chartered Surveyors.

3. Calculation of CIL Chargeable Development

- 3.1 The CIL rates detailed within the Charging Schedule are outlined as a charge per square metre (sqm) of floor space. The precise amount charged for each development will be calculated by the Council in accordance with Part 5 (Regulation 40) of the CIL Regulations 2010 (as amended).

4. Appendix A – Charging Zones

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East Suffolk Community Infrastructure Levy

Instalment Policy

Draft for Cabinet – 6th April 2023

1st August 2023



This document is the East Suffolk Community Infrastructure Levey (CIL) Instalment Policy. The East Suffolk CIL Instalment Policy sets out the arrangements for the collection of CIL in accordance with Regulation 69B of the CIL Regulations 2010 (as amended).

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1. Introduction

- 1.1 The CIL Regulations set a default requiring full payment of the Levy charge within 60 days of the commencement of the chargeable development. However, under Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended) it is permissible for a CIL Charging Authority to establish an Instalment Policy, offering developers more flexible payment arrangements.
- 1.2 The Council will resolve to adopt and implement the East Suffolk Community Infrastructure Levy Instalment Policy on 1st August 2023. The report and associated supporting documents can be seen at:

www.eastsuffolk.gov.uk/planning/developer-contributions/community-infrastructure-levy/cil-rates/
- 1.3 The East Suffolk Instalment Policy will be effective on or after 1st August 2023 and will supersede the Suffolk Coastal and Waveney CIL Instalment Policies.
- 1.4 Where existing permissions have not yet commenced and liability has been assumed, a revised Liability Notice reflecting the new East Suffolk Instalment Policy will be issued.

2. Application of the Instalment Policy

- 2.1 Regulation 70 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment Regulations 2011) sets out the requirements that must be complied with to benefit from the CIL Instalment Policy.
- 2.2 The CIL Instalment Policy will apply in the following circumstances:
 - 1) Where the Council has received a valid CIL form 2 - **Assumption of Liability** form prior to commencement of the development (Regulation 70(1)(a), and
 - 2) Where the Council has received a valid CIL form 6 - **Commencement Notice** prior to commencement of the development (Regulation 70(1) (b))
- 2.3 Where a phased planning permission is granted, Regulation 9.4 requires that each phase is treated as a separate chargeable development. Each separate phase is liable for its own CIL contribution and can pay in line with the instalments policy, where valid forms are received prior to commencement.
- 2.4 Once the development has commenced, the CIL payments must be made in accordance with the CIL instalment policy. Where instalments do not clear the Council's bank account by the due date, the total CIL liability will become payable in full immediately (Regulation (8) (a)).
- 2.5 Where instalments are missed, are paid late or the CIL becomes due immediately and in full, late payment interest will apply in accordance with CIL Regulation 87.

3. Instalments

CIL Liability	Number of instalments	Payment periods and amounts
Any amount equal or less than £10,000.00	2	<ul style="list-style-type: none"> 50% of the chargeable amount¹ within 90 days (3 months) of the commencement date² the remaining 50% of the chargeable amount within 180 (6 months) days of the commencement date
Amounts between £10,000.01 to £50,000.00	3	<ul style="list-style-type: none"> 34% of the chargeable amount within 90 days (3 months) of the commencement date 33% of the chargeable amount within 270 days (9 months) of the commencement date 33% of the chargeable amount within 360 days (12 months) of the commencement date
Amounts between £50,000.01 to £100,000.00	4	Equal instalments of 25% of the chargeable amount within <ul style="list-style-type: none"> 90 days (3 months) 180 days (6 months) 270 days (9 months) 360 days (12 months) of the commencement date
Amounts between £100,000.01 to £500,000.00	4	Equal instalments of 25% of the chargeable amount within <ul style="list-style-type: none"> 90 days (3 months) 270 days (9 months) 360 days (12 months) 540 days (18 months) of the commencement date
Amounts over £500,000.01	5	Equal instalments of 20% of the chargeable amount within <ul style="list-style-type: none"> 90 days (3 months) 270 days (9 months) 360 days (12 months) 540 days (18 months) 730 days (24 months) of the commencement date

¹ This is the amount as set out in the liability notice

² The commencement date is the commencement notice date as advised by the developer under CIL Regulation 67

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East Suffolk Community Infrastructure Levy

Discretionary Social Housing Relief Policy

Draft for Cabinet – 6th June 2023

1st August 2023



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1. Introduction

- 1.1 The Community Infrastructure Levy Regulations 2010 (as amended) allows for 100% relief for the development of social housing. The definition of Social Housing is set out in Regulation 49 or 49A (as amended by the 2014 Regulations) and as amended by the 2020 (No.2) Regulations)¹ and it covers most types of affordable housing provided in East Suffolk including affordable rent and shared ownership tenures. However, it does not cover some shared equity tenures or discounted homes for sale which are covered by the definition of affordable housing in the National Planning Policy Framework.
- 1.2 The Community Infrastructure Levy (Amendment) Regulations 2014 give Councils the power to allow relief for these tenures where they set a policy giving notice that the relief is allowed in their area. This is known as Discretionary Social Housing Relief. A dwelling can qualify for this relief:
 - To qualify, the claimant must own a material interest (defined in [regulation 4\(2\)](#)) in the relevant land and have assumed liability to pay the levy for the chargeable development.
 - If the dwelling is sold for no more than 80% of its market value.
 - If it is sold in accordance with the Discretionary Social Housing Relief policy published by the Council.
 - If a planning obligation has been entered into to ensure all subsequent sales of the dwelling are for no more than 80% of its market value or the liability to pay CIL in relation to the dwelling remains with the person granted the relief, should a disqualifying event occur.
- 1.3 Discretionary Social Housing Relief is subject to a clawback period, where payment of the CIL for a qualifying dwelling becomes due should that dwelling cease to qualify for relief, such as the sale of the dwelling at more than 80% of its market value or with no planning obligation protecting the discount in perpetuity.
- 1.4 Where a dwelling is sold at no more than 80% of its market value, in accordance with a planning obligation protecting the discount in perpetuity, the clawback period ends on the day that dwelling is first sold. Where the discount is not protected in perpetuity by a planning obligation, the clawback period ends seven years after commencement.
- 1.5 If development begins before a commencement notice is submitted, then a mandatory surcharge equal to 20% of the amount that would have been charged if social housing

¹ www.gov.uk/guidance/community-infrastructure-levy#para069

relief had not been granted or £2,500, whichever is the lower amount will become payable ([regulation 83](#), as amended by the [2019 Regulations](#)).²

2. Discretionary Social Housing Relief Policy

- 2.1 This document gives notification that discretionary social housing relief is available in East Suffolk. The Council will begin accepting claims for relief under this Policy from 0:00 on 1st August 2023.
- 2.2 The allocation of the dwellings for sale will be set out in the Section 106 Agreement. Qualifying dwellings must only be allocated to people who are unable to afford to buy a suitable residential property on the market in East Suffolk because of their income and/or capital means. The qualifying income/solvency level will be agreed between the developer and the Council either in the planning obligations or at the time of sale.
- 2.3 Qualifying dwellings should only be allocated to people with a strong local and/or work connection. A local connection is a person's connection with East Suffolk and for the purpose of this Policy. A person with a local connection is defined as a Qualifying Person. The definition of a Qualifying Person will be set out in the planning obligation and will be based on the Local Connections Cascade set out in Appendix 2 of the East Suffolk Affordable Housing Supplementary Planning Document (May 2022).
- 2.4 The developer will be responsible for providing evidence to the Council that the qualifying requirements have been met.
- 2.5 In order to qualify for the relief, the development will need to be subject to a section 106 agreement that secures the above eligibility criteria. For discounted market homes the section 106 agreement will also need to secure the discount in perpetuity for future owners of the property. The section 106 agreement will ensure that any relief granted is in accordance with EU State Aid requirements under the EU Block Exemption for Services of a General Economic Interest.

² www.gov.uk/guidance/community-infrastructure-levy#para070

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