



**East Suffolk House, Riduna Park, Station  
Road, Melton, Woodbridge, IP12 1RT**

# Cabinet

## **Members:**

Councillor Steve Gallant (Leader)

Councillor Craig Rivett (Deputy Leader and  
Economic Development)

Councillor Norman Brooks (Transport)

Councillor Stephen Burroughes (Customer  
Services and Operational Partnerships)

Councillor Maurice Cook (Resources)

Councillor Richard Kerry (Housing)

Councillor James Mallinder (The Environment)

Councillor David Ritchie (Planning & Coastal  
Management)

Councillor Mary Rudd (Community Health)

Councillor Letitia Smith (Communities, Leisure  
and Tourism)

Members are invited to a **Meeting of the Cabinet**  
to be held on **Tuesday, 3 November 2020 at 6.30 pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at

[https://youtu.be/6\\_Btco1HYV4](https://youtu.be/6_Btco1HYV4).

An Agenda is set out below.

**Part One – Open to the Public**

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<b>1</b>	<b>Apologies for Absence</b> To receive apologies for absence, if any.	
<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests 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.	
<b>3</b>	<b>Announcements</b> To receive any announcements.	
<b>4a</b>	<b>Minutes 17 September 2020</b> To confirm as a correct record the Minutes of the Extraordinary Meeting held on 17 September 2020	<b>1 - 12</b>
<b>4b</b>	<b>Minutes 21 September 2020</b> To confirm as a correct record the Minutes of the Extraordinary Meeting held on 21 September 2020	<b>13 - 22</b>
<b>4c</b>	<b>Minutes 6 October 2020</b> To confirm as a correct record the Minutes of the Meeting held on 6 October 2020	<b>23 - 29</b>
<b>NON-KEY DECISIONS</b>		
<b>5</b>	<b>Response to the Planning White Paper - Planning for the Future ES/0545</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>30 - 76</b>
<b>6</b>	<b>Review of the Local Council Tax Reduction Scheme for 2021/22 ES/0546</b> Report of the Cabinet Member with responsibility for Resources	<b>77 - 80</b>
<b>7</b>	<b>Transfer of Property in St James South Elmham ES/0547</b> Report of the Cabinet Member with responsibility for Housing	<b>81 - 91</b>
<b>KEY DECISIONS</b>		
<b>8</b>	<b>Southwold Harbour North Pier Fender Repair ES/0548</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management and the Cabinet Member with responsibility for Resources	<b>92 - 98</b>

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**9 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, 3 and 5 of Part 1 of Schedule 12A of the Act.

**Part Two – Exempt/Confidential**Pages

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**10 Exempt Minutes 6 October 2020**

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

**KEY DECISIONS****11 Parking Services: Off Street Parking Order**

- 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.

**12 Leisure Partnership Agreement Contract Variation**

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

**13 Proposed Investment Acquisition**

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

**14 Proposed Mixed Use Development on the Former Deben High School Site**

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

Close



Stephen Baker, Chief Executive

### **Filming, Videoing, Photography and Audio Recording at Council Meetings**

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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Cabinet** held via Zoom, on **Thursday, 17 September 2020 at 5.00 pm**

**Members of the Cabinet present:**

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

**Other Members present:**

Councillor Jocelyn Bond, Councillor Peter Byatt, Councillor Judy Cloke, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Graham Elliott, Councillor John Fisher, Councillor Colin Hedgley, Councillor Mark Jepson, Councillor Rachel Smith-Lyte, Councillor Ed Thompson, Councillor Steve Wiles

**Officers present:**

Stephen Baker (Chief Executive), Karen Cook (Democratic Services Manager), Nick Khan (Strategic Director), Matt Makin (Democratic Services Officer), Sue Meeken (Political Group Support Officer (Labour)), Andrea McMillan (Principal Planner (Policy & Delivery)), Agnes Ogundrian (Political Group Support Officer (Conservative)), Desi Reed (Planning Policy & Delivery Manager), Deborah Sage (Political Group Support Officer (GLI))

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**1 Apologies for Absence**

Apologies for absence were received from Councillors Alison Cackett, T-J Haworth-Culf and Mary Rudd.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Adoption of Suffolk Coastal Local Plan**

The Cabinet received report **ES/0474** of the Cabinet Member with responsibility for Planning and Coastal Management who reported that the Suffolk Coastal Local Plan was being presented to Cabinet following a thorough process of preparation which has taken place since 2016 involving a number of public consultations and careful consideration of evidence, followed by Examination by an independent Government Inspector who had concluded that, with modifications, the Plan was legally compliant and sound and could proceed to adoption.

The Suffolk Coastal Local Plan covered the former Suffolk Coastal district area and set out the strategy for growth and development over the period 2018-2036, and once adopted would guide decisions on planning applications within that area. The Plan would sit alongside the Waveney Local Plan which was adopted in March 2019, and the Local Plan for the Broads (prepared by the Broads Authority) which was adopted in May 2019, together providing up to date plans across the whole of East Suffolk. There were in addition, seven 'made' Neighbourhood Plans in the former Suffolk Coastal area and a number of others under preparation.

The Cabinet Member advised that production of the Local Plan had begun in 2016, and following early consideration of evidence, such as in relation to employment and housing needs, the first formal stage of consultation, on Issues and Options, was held in 2017, generating considerable interest and almost 7,000 comments from more than 600 individuals and organisations. This initial stage enabled alternative strategies to be considered and tested. Following close consideration of the feedback received, including by the Local Plan Working Group of the former Suffolk Coastal District Council, and further development of the evidence base, the First Draft Local Plan was consulted on in Summer 2018. This set out a draft plan with feedback sought on the proposals, and provided further opportunity for alternatives to be put forward.

The Cabinet Member explained that again, this consultation generated a significant level of interest with over 3,000 comments received from over 1,300 individuals and organisations. These comments were carefully considered in progressing the Plan further alongside the evidence base, and in January 2019 the former Suffolk Coastal District Council approved the Final Draft Local Plan for publication to receive representations relating to soundness. This was held for six weeks between January and February 2019. Over 1,500 representations were received from over 500 individuals and organisations. Following this period of publication, the Local Plan was submitted to the Government for Independent Examination in March 2019.

An independent Inspector from the Planning Inspectorate (the PINS) was appointed to examine the Plan, to consider whether it was legally compliant and sound. Public hearings were held during August and September 2019, and subsequently the Inspector published his post-hearings letter in January 2020. This led to consultation on Main Modifications, held for 10 weeks between May and July 2020, and following consideration of the responses received the Inspector published his final report on 8 September 2020. This report concluded that the Plan was legally compliant and sound, subject a number of Main Modifications being made, and could be adopted. The Plan, with the modifications incorporated, was presented to the Cabinet.

The Cabinet Member considered that the Local Plan set out an ambitious vision, which aligned with the vision for the Council, and set out aspirations to ensure a diverse, strong and prosperous economy; provision of sufficient homes of the right types and tenures to meet needs, including addressing needs for younger and older people; active and healthy communities, protecting, maintaining and enhancing the high quality built, historic and natural environment, and mitigating and adapting to climate change.

The Cabinet Member said that this vision followed through into the strategy for the Local Plan which sought to support and facilitate the delivery of at least 6,500 jobs,

including through the provision of employment land to support growth in retail, commercial leisure and town centres and to meet the needs for new housing. Provision of infrastructure and protecting and enhancing the environment formed a key part of this overall strategy.

Spatially, the Local Plan sought to deliver two new Garden Neighbourhoods (at North Felixstowe and South Saxmundham), new employment growth based around key transport corridors, strategies for market towns to reflect and strengthen their roles and appropriate growth in rural areas, including through site allocations, to sustain existing communities.

The North Felixstowe Garden Neighbourhood had been identified as a leisure led development which would comprise a new leisure centre, green infrastructure, community facilities and employment land alongside residential development of up to 2,000 homes. The Cabinet Member stated that it was recognised that the integration with the existing community would be critical to its success and the garden neighbourhood would be expected to come forward through a masterplanned approach informed by community engagement.

The South Saxmundham Garden Neighbourhood was considered to provide an opportunity to provide new primary school provision, green infrastructure, recreational facilities and other community facilities, in addition to approximately 800 homes and employment land. As with North Felixstowe, the garden neighbourhood was expected to come forward through a masterplanned approach informed by community engagement. The Cabinet Member highlighted that whilst alternative options around Saxmundham had been considered throughout the production of the Plan, bringing the development forward on one site had been considered to provide benefits in relation to the comprehensive delivery of the development and infrastructure.

Informed by consideration of opportunities and constraints and the strategy of the Local Plan, site allocations had also been identified in other locations across the Local Plan area to meet housing and employment needs. To provide confidence in maintaining sufficient housing supply, the amount of housing planned for included a contingency of around 25% (including an allowance for some development to come forward as windfall in accordance with other policies in the Plan). Possible sites for allocation were initially consulted on in the Issues and Options consultation, followed by preferred sites being put forward in the First Draft Local Plan, and the approach being finalised within the Final Draft Local Plan. A number of site allocations were also reviewed and carried over from the 2017 Site Allocations and Area Specific Policies and the 2017 Felixstowe Peninsula Area Action Plan.

The Cabinet Member confirmed that in recognition of the desire to bring forward Neighbourhood Plans in many communities, where a Neighbourhood Area was designated at the time the Local Plan was being prepared the Local Plan set out a housing requirement for that area, to be planned for through the Neighbourhood Plan where housing is to be covered.

The Local Plan also set out a number of topic based policies for use in determining planning applications, including in relation to economic uses, housing (including Gypsies and Travellers), tourism, transport, community facilities and assets, climate

change and coastal change, the natural environment, the built and historic environment and infrastructure.

Through the Examination, the Inspector considered whether the Local Plan was legally compliant and sound. The tests for soundness set out in the National Planning Policy Framework had required the Plan to be positively prepared, justified, effective and consistent with national policy. Having considered the Local Plan, the evidence base and the representations received in relation to the Final Draft Local Plan, and having consulted on proposed Main Modifications, the Inspector had concluded that a number of Main Modifications would be needed for the Plan to be sound. These were set out in the appendix to the Inspector's report and were summarised in the Cabinet report at paragraph 2.1.

Following publication of the Inspector's Report a significant amount of correspondence was received in relation to the housing allocation at Land West of Chapel Road, Grundisburgh (Policy SCLP12.51), including objections to the inclusion of the allocation in the Local Plan. The main matters raised were summarised as issues related to:

- The suitability of the local road network and provision of safe access to the site, including for pedestrians;
- Capacity of infrastructure such as schools and doctors;
- Loss of countryside and open space;
- Lack of a need for additional homes in Grundisburgh;
- Lack of consultation with the community.

The Cabinet Member advised that the matters raised in recent correspondence reflected issues raised in representations to the Final Draft Local Plan and to the Main Modifications consultation, which had been considered by the Inspector in arriving at his conclusions on the Local Plan. The representations received on the Final Draft Local Plan and on the Main Modifications were available to view on the Council's website. The Cabinet Member considered that some correspondence related to the current planning applications that had been submitted for the site and advised that officers were working through the correspondence and would respond to those who have written in as appropriate.

Correspondence had also been received in relation to the housing allocation at Land adjacent to the Farthings, Peasenhall (Policy SCLP12.59), in particular raising matters around the site not being available for development. The Cabinet Member said that the site would only come forward for development should the landowners bring it forward. The Plan contained a contingency by planning for a number above the housing requirement, to acknowledge that some sites may be delayed or not come forward.

The final Local Plan, incorporating the Main Modifications, was contained in Appendix C to the Cabinet report. The Cabinet Member stated that the purpose of bringing this report to the Cabinet was to recommend to the Full Council that the Local Plan be adopted. He said that the adoption of the Local Plan would enable development to come forward and be managed in line with an up to date plan, facilitating economic growth and delivering housing to meet identified needs, whilst providing certainty for communities. The Cabinet Member said that the importance of having a Plan in place

was further emphasised in relation to the current pandemic and ensuring a positive and planned approach was in place to support economic recovery.

The Cabinet Member concluded that what was before the Cabinet was a plan that had been through all stages and examination and was a final version that the Full Council could adopt or reject. He advised that to adopt the plan would take the best possible plan forward and if it were rejected, there would be planning chaos and inappropriate sites being developed across East Suffolk. He reminded the Cabinet that sites being allocated in the Local Plan did not equate to planning permission being granted and highlighted the recent appeal decision in Rendlesham, where refusal of a proposal for 75 homes had been upheld; the site was allocated in the current Local Plan but had been refused planning permission as the design quality had not been of a sufficient standard.

The Cabinet Member paid thanks to all the Planning officers who had been involved in the development of the Local Plan for their hard work, giving particular thanks to the Planning Policy and Delivery Manager and the Principal Planner (Policy and Delivery).

The Leader of the Council invited questions from Cabinet Members and asked if the Full Council could modify or remove elements of the Local Plan that it did not like. The Cabinet Member with responsibility for Planning and Coastal Management confirmed that this was not the case and noted that compliance with the Local Plan was the first of several elements that had to be considered by a developer when seeking planning permission.

In response to a question from the Cabinet Member with responsibility for Customer Services and Operational Partnerships, the Cabinet Member with responsibility for Planning and Coastal Management confirmed that he was confident that all necessary details had been provided to the Planning Inspector; he noted that there was no such thing as a perfect Local Plan but said that the document before the Cabinet was the result of three years' hard work and had been scrutinised in detail and subject to public hearings as part of its development process.

The Principal Planner, when invited to address the Cabinet, confirmed that all necessary details had been provided to the Inspector, including all representations that had been received in the allocated timescales. She highlighted a site allocation at Peasenhall as an example of where the Inspector had asked for and been provided with further information on flooding and a flood risk assessment, stating that this demonstrated that the Inspector had wanted to ensure that they had all the relevant information when examining the Local Plan.

The Cabinet Member with responsibility for Housing highlighted the impact of the COVID-19 pandemic on the need for housing in the district and asked when the new Local Plan, if adopted, would be reviewed to consider this. The Cabinet Member with responsibility for Planning and Coastal Management acknowledged that there would be an impact but considered this to not be fully known at this stage. The Cabinet Member explained that the Local Plan looked ahead to 2036 and said to not plan for housing need positively would have a bigger impact in the long-term. He advised that the Local Plan would be reviewed on an annual basis through the Annual Monitoring

Report and would also be reviewed on a five-yearly basis to see if any part of it needed to be adapted.

The Cabinet Member with responsibility for the Environment sought reassurance that the Local Plan would engage with the climate emergency declared by the Council and would add to the Council's ambition to be one of, if not the most, environmentally friendly district councils. The Cabinet Member with responsibility for Planning and Coastal Management explained that although the Local Plan had largely been prepared prior to the Council's declaration of a climate emergency it contained mitigation and adaptation for climate change and this was a thread throughout the plan, highlighting sections on flood risk, coastal erosion and a chapter entirely on climate change that included policies on low carbon, energy, transport, and both biodiversity and geodiversity.

In response to a question from the Cabinet Member with responsibility for Customer Services and Operational Partnerships, the Principal Planner advised that any revisions to the Local Plan would follow the same process followed to prepare a new Local Plan as it was covered by the same legislation and need for examination. The Cabinet Member with responsibility for Planning and Coastal Management and the Principal Planner noted that the Local Plan formed part of the Council's development plan and should be accorded with, but that other material planning considerations may influence planning decisions.

The Cabinet Member with responsibility for Housing made reference to the housing target in the Local Plan and asked how much weight would be given to this in the event that an unsuitable planning application was made and the housing target had not been met. The Cabinet Member with responsibility for Planning and Coastal Management reiterated that the amount of housing planned for included a contingency of around 25% and that there were processes for the Government to address local planning authorities not meeting housing targets; he advised that current housing targets in the former Suffolk Coastal district area were being met or exceeded and it was anticipated that this would continue. The Cabinet Member acknowledged that not all sites allocated in the Local Plan would come forward but did not consider that the Local Plan would put the Council in a position where it needed to accept unsuitable housing developments in order to meet housing targets. The Principal Planner outlined the Housing Action Plan that the Council had in place for the entire district, which would identify issues as they arose so that they could be addressed in a timely manner. She added that officers maintained contact with developers about bringing sites forward.

The Leader of the Council invited questions from other Members present.

Councillor Graham Elliott queried why this report was before the Cabinet, given that it was the Full Council that would make the decision on whether to adopt the Local Plan. The Democratic Services Manager explained that it was considered good practice for the Cabinet to consider any new Local Plan and make its recommendations to the Full Council.

Councillor Elliott asked if the seven Neighbourhood Plans in the former Suffolk Coastal district area would need to be updated in response to the new Local Plan and if so, how easy would this be to achieve. On the invitation of the Cabinet Member with

responsibility for Planning and Coastal Management, the Principal Planner advised that those Neighbourhood Plans were 'made' and would continue to be part of the Council's development plan; she advised that legislation dictated that where there was a conflict between plans, the most recently adopted plan would take precedence. The Principal Planner said that some elements of the Neighbourhood Plans may need to be reviewed by the communities that had produced them and that officers would work with any groups who identify they need to review elements of their Neighbourhood Plan.

In response to a question from Councillor Elliott about the implication of the Government's White Paper on Planning reform on the Local Plan, the Cabinet Member with responsibility for Planning and Coastal Management acknowledged the concerns that the White Paper had raised. He noted that the White Paper proposed the most significant changes to the Planning system since the Second World War and was open for consultation until 29 October 2020. The Cabinet Member highlighted that any subsequent legislation may differ from the initial proposals in the White Paper and was unlikely to come into force for at least another two years, and that there would then be another 42 months for the Council to conform with any new regulations.

Councillor Elliott sought confirmation on the implications of the Temporary Suspension of Parts of the Statement of Community Involvement (SCI) for Planning Policy Purposes – Adoption of the Suffolk Coastal Local Plan, noting that procedures in the SCI had applied when the former Waveney District Council had adopted the Waveney Local Plan in March 2019. The Cabinet Member with responsibility for Planning and Coastal Management explained that the normal requirements to place hard copies of the Local Plan in Council offices and libraries could not be met during the COVID-19 pandemic and that hard copies of the Local Plan would be mailed out on request. He noted that a similar offer was in place during the Main Modifications consultation and around 20 requests were received. The Cabinet Member gave assurances that hard copies could be provided to Members on request, for instance for members of the Planning Committees North and South, and it was anticipated that the Local Plan would predominantly be accessed online.

Councillor Mike Deacon outlined his long-term opposition to large housing development in the Felixstowe and The Trimleys area for reasons including density, the impact on the community, the impact on the A14 and the additional burden on local services and the environment. Councillor Deacon acknowledged that the Local Plan did its best to mitigate the impact of new housing in this area but that 4,000 new homes were still planned, which Councillor Deacon suggested would increase the population in the area by 8,000.

Councillor Deacon said that sites in the area were limited and considered that the major sites identified would have a major impact on local agricultural land. Councillor Deacon noted that Natural England would have been a statutory consultee for the Local Plan and would have been asked for advice on developing listed agricultural land; Councillor Deacon was concerned about the loss of agricultural land in the Felixstowe and The Trimleys area and asked to be referred to Natural England's response on site allocation in this area.

In reply, the Cabinet Member with responsibility for Planning and Coastal Management acknowledged the figures quoted by Councillor Deacon and highlighted that a

significant portion of housing growth in the Local Plan was directed towards Felixstowe, The Trimleys and Kirton. It was highlighted the number of people commuting into Felixstowe was three times the number of people commuting out of the town, largely due to the Port of Felixstowe. The Cabinet Member explained that consideration had been given to this area and the A14 when formulating the Local Plan; it was highlighted that Felixstowe also provided rail connectivity and sustainable connections in walking and cycling routes and that alternative considerations for sites had been given during the creation of the Local Plan. The Cabinet Member noted the land north of Candlet Road that had been allocated, some of which was already subject to extant planning permission for development.

The Principal Planner confirmed that Natural England had been consulted at all stages of the Local Plan's production and agreed to supply their responses to Councillor Deacon after the meeting. The Principal Planner explained that the Local Plan was supported by a sustainability appraisal which had considered a number of objectives including the impact of loss of resources such as agricultural land. The Principal Planner said that this was one factor in considering the suitability of sites but was not in itself an absolute constraint.

The Cabinet Member with responsibility for Planning and Coastal Management highlighted that a sifting process had taken place to identify possible allocation sites in order to identify the most suitable ones and that the former Suffolk Coastal District Council's Local Plan Working Group would have looked at the details in each instance.

Councillor Peter Byatt noted the statement from Councillor Deacon and asked if any investigation and/or consultation had taken place about the amount of the food grown in East Suffolk, highlighting that the National Farmers' Union was pushing for more locally grown food. Councillor Byatt also asked when there would be a single Local Plan for East Suffolk.

In response, the Cabinet Member with responsibility for Planning and Coastal Management highlighted that agriculture was more efficient than it used to be and considered that it could feed the country on a smaller amount of land that was previously required; he was of the opinion that the district nor the country would run out of farming land. With regard to Councillor Byatt's second question, the Cabinet Member acknowledged that there were three Local Plans applicable to East Suffolk, the Suffolk Coastal Local Plan, the Waveney Local Plan, and the Broads Authority Local Plan. For the latter, this was because the Broads Authority held planning responsibility for the areas of the district that fell within the Suffolk and Norfolk Broads and that both the Suffolk Coastal and Waveney Local Plans had been developed in synchronisation with the Broads Authority Local Plan; he did not consider that this amounted to a piecemeal approach.

The Cabinet Member with responsibility for Planning and Coastal Management reminded all present that planning reforms proposed in the government's White Paper would bring the Suffolk Coastal and Waveney Local Plans together should the reforms become legislation. He highlighted that both plans had a great deal in common and had been developed with the input of the same officers; he considered that the Council's planning officers were more than capable of working to more than one Local Plan.

Councillor Colin Hedgley noted that the new Suffolk Coastal Plan had not yet been adopted and that planning applications had already been made in respect of the site at Chapel Field in Grundisburgh; he sought the Cabinet Member with responsibility for Planning and Coastal Management's comments on the haste of these applications. The Cabinet Member noted that any developer had a right to make a planning application at any time and although it may have been more suitable for these applications to have been made after the adoption of the new Local Plan, they would still be considered on their own merits.

Councillor Rachel Smith-Lyte stated that the UK currently imported 40% of its food and considered that this would get worse with Brexit. She acknowledged that agriculture was now more efficient than in the past but was at more of a price as soils were ruined and there were issues with black grass. Councillor Smith-Lyte was of the view that the Council should be pushing back hard at the government, particularly with the current threat of significant planning reform; she was concerned that the required housing targets of the Local Plan was the government trying to build its way out of trouble and was unsure if this amount of housing was required. Councillor Smith-Lyte asked if this was the message that the Cabinet was sending to the government.

In reply, the Cabinet Member with responsibility for Planning and Coastal Management said that it saddened him when agricultural land was needed for housing but noted that there had been a housing crisis in the country for some time. The Leader of the Council added that there was a need to have a balanced approach to the natural environment, agriculture and housing need and that one could not exist without the other two. He considered that there was a need for housing across the district and that the Council was also obligated to deliver on housing targets set by the government, and that it was the Council's responsibility as the local planning authority to meet the needs of the natural environment, agriculture and housing need.

The Cabinet Member with responsibility for Planning and Coastal Management stated that he had worked hard for brownfield sites in Lowestoft to be developed but that some of these sites were valued in negative terms, which made them difficult to develop. The Cabinet Member said he was passionate about bringing brownfield sites forward for development but acknowledged that housing would also need to be built on agricultural land to bring forward sufficient housing numbers.

The Cabinet Member with responsibility for Customer Services and Operational Partnerships asked that if a majority of allocated sites in the plan were not delivered would this trigger compulsory orders to deliver on housing targets and if allocated sites prejudiced other sites coming forward.

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The Cabinet Member with responsibility for Planning and Coastal Management referred to contingency of over-provision of housing targets in the Local Plan and that the targets did not take into account windfall development that could come from unallocated sites. The Cabinet Member considered that this was a stronger position from which to maintain a five-year housing land supply. The Principal Planner advised that the Council's housing action plan enabled the Council to support sites identified in the Local Plan to come forward for development.

The Assistant Cabinet Member for Community Health asked what the options and risks were to communities should the Local Plan not be adopted. The Cabinet Member with responsibility for Planning and Coastal Management explained that the current Suffolk Coastal Local Plan was considered out of date in some respects by the Planning Inspectorate and if a new Local Plan was not put in place and the Council could not demonstrate having a five-year housing land supply, this would result in any applications refused on sites unsuitable for development being difficult to defend on appeal. The Cabinet Member said that the Council had two options, to adopt the Local Plan which would result in planned development or to not adopt the plan and end up with planning chaos and unplanned development.

There being no further questions, the Leader of the Council invited comment and debate from Cabinet Members.

The Cabinet Member with responsibility for Customer Services and Operational Partnerships noted that if an allocated site is promoted but development is not pursued by the landowner, the most efficient way to address this would be through the planning process as land changes hands over time, and new owners may choose to develop sites.

The Cabinet Member with responsibility for Housing supported the recommendation in the report to recommend that Full Council adopted the new Local Plan. He noted that a survey in the IP10 and IP11 postcode areas shortly before lockdown had highlighted 542 people on the housing waiting list in that area. The Cabinet Member considered that the best way to get social housing on allocated sites would be through Section 106 agreements as sites came forward. The Cabinet Member also outlined the large amount of grain exported from Ipswich Port and considered there was sufficient land available to fulfil the food needs of the District's residents.

The Deputy Leader and Cabinet Member with responsibility for Economic Development thanked both the Cabinet Member with responsibility for Planning and Coastal Management and the planning officers for their extensive work on formulating the Local Plan. The Deputy Leader said it was important that the Local Plan was adopted to prevent planning chaos and that the plan would not automatically confer planning permission on sites; he stated that the fine details of development proposals would be explored through the planning application process.

The Leader of the Council invited comment and debate from the other Members present.

Councillor Byatt added his thanks to the officers for their hard work; he was particularly interested in the Local Plan's relation to Felixstowe as its port was of significance to both the town and the economy.

Councillor Jocelyn Bond agreed that the Local Plan was a very good one and that everyone involved in its development should be very proud, particularly the Planning officers. Councillor Bond said that she had been asked to highlight the cumulative effect of current and proposed energy projects on her Ward and the District as a whole; she considered this to be an important area that would affect much of the

electorate. Councillor Bond asked for a stringent regime to review the Local Plan should be it be adopted.

Councillor Byatt asked if there was any capacity in the Scrutiny Committee's work programme to scrutinise both the Suffolk Coastal and Waveney Local Plans. The Leader of the Council reiterated his earlier comments on the development process followed to create the plan and stated that he had confidence in the Planning department to constantly review the Local Plans.

The Cabinet Member with responsibility for Planning and Coastal Management reminded Councillor Byatt that the Scrutiny Committee decided its own work programme but would be happy to appear before the Committee should it be required. The Cabinet Member explained that the Local Plan Working Group would remain in place and would review the Local Plans as they progressed.

There being no further comment or debate the Leader of the Council moved to the recommendation in the report.

On the proposition of Councillor Ritchie, seconded by Councillor Gallant it was by a majority vote

#### **RESOLVED**

1. That the content of the Suffolk Coastal Local Plan, as contained at Appendix C of report ES/0474, be noted and endorsed.
2. That the Suffolk Coastal Local Plan be recommended to Full Council for adoption.
3. That the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, be authorised to make any presentational or typographical amendments to the Local Plan prior to adoption.
4. That the Temporary Suspension of Parts of the Statement of Community Involvement for Planning Policy Purposes – Adoption of the Suffolk Coastal Local Plan, as contained in Appendix D of report ES/0474, be recommended to Full Council for approval.

Before closing the meeting, the Leader of the Council echoed the thanks already expressed by other Members during the meeting. In particular, the Leader of the Council thanked the Cabinet Member with responsibility for Planning and Coastal Management and the Planning officers who had worked on the development of the new Local Plan; he highlighted that they had guided the Local Plan Working Group, which had worked tirelessly in the production of the Local Plan.

The Leader of the Council also took the opportunity to thank the former members of Suffolk Coastal District Council, that were not members of East Suffolk Council, for their work on the development of the Local Plan prior to the creation of East Suffolk Council.

The meeting concluded at 6:25 pm

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Chairman

<b>Unconfirmed</b>
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Minutes of an Extraordinary Meeting of the **Cabinet** held via Zoom, on **Monday, 21 September 2020** at **6:30pm**

**Members of the Cabinet present:**

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

**Other Members present:**

Councillor Paul Ashdown, Councillor David Beavan, Councillor Jocelyn Bond, Councillor Alison Cackett, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Graham Elliott, Councillor John Fisher, Councillor Tony Fryatt, Councillor Louise Gooch, Councillor TJ Haworth-Culf, Councillor Geoff Lynch, Councillor Steve Wiles

**Officers present:**

Stephen Baker (Chief Executive), Lisa Chandler (Energy Projects Manager), Sarah Davis (Democratic Services Officer), Andrew Jarvis (Strategic Director), Nick Khan (Strategic Director), Sue Meeken (Political Group Support Officer (Labour)), Agnes Ogundiran (Conservative Political Group Support Officer), Philip Ridley (Head of Planning and Coastal Management), Nicola Wotton (Deputy Democratic Services Manager),

**1 Apologies for Absence**

Apologies for absence were received from Councillor M Rudd, Cabinet Member with responsibility for Community Health.

Apologies were also received from Councillor M Jepson, Assistant Cabinet Member with responsibility for Community Health.

The Leader of the Council welcomed everyone to this Extraordinary meeting, regarding the Development Consent Order for EDF energy and the response from East Suffolk Council.

**2 Declarations of Interest**

Councillor Mallinder, Cabinet Member with responsibility for the Environment, declared a Local Non Pecuniary Interest as he was the Vice Chairman of the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty Joint Advisory Committee.

### **3 Development Consent Order Process for EDF Energy / Szc Co Sizewell C New Nuclear Power Station**

The Leader of the Council reported that the Sizewell C twin reactor nuclear power station proposal was submitted to the Planning Inspectorate by EDF Energy on the 27 May 2020. It was accepted for examination by the Planning Inspectorate on the 24 June 2020. The nuclear power station, if permitted and once operational, would provide 3.2GW of reliable low carbon power for a minimum of 60 years, which was equivalent to powering approximately 6 million homes, or 7% of the UK's electricity needs. The station would help provide the baseload capacity needed to replace coal and gas stations and would support the future growth in renewables. If Consented, along with the offshore wind proposals and the existing nuclear power station at Sizewell B, this would see approximately 25% of the UK's electricity supply coming through East Suffolk.

This application provided significant challenges for our district but also significant opportunities. The Leader stressed that if the proposal was consented by the Secretary of State, he gave his commitment to seek to ensure that the programme of works to construct the station had the least possible impact and the best possible mitigation in place. He reiterated that it was important that we keep in mind our part in this process – East Suffolk Council was not the deciding authority. There were no doubt debates to had about the necessity of nuclear Energy, the question of Far East Funding, the inclusion of international involvement in UK infrastructure projects, the cost of the build process and the cost per Mega Watt for end users, which were real and relevant issues. The Leader stated that he was confident that all Members would have views on them all, however these were not issues for the Cabinet to discuss this evening. He noted that Members were charged with looking after the interests of East Suffolk, of protecting communities, the built and natural environments and promoting and enhancing the economic sustainability of our District.

He reported that the purpose of the Cabinet meeting today was to agree East Suffolk Council's Relevant Representations. This document would set out the Council's concerns and acknowledges its ambitions. It would bring to the attention of the Planning Inspectorate and, subsequently, the Secretary of State, the potential impacts on East Suffolk. It also challenged EDF to seek to offer further mitigation and compensation or risk the refusal of the application.

The Leader reported that, like many Members, he had received numerous emails both for and against the project. Many of the concerns highlighted were reflected in the draft document. He noted that Members would be aware that the Council was on a very tight timescale. The Council's Relevant Representations Document needed to be submitted by the 30th September, however the Leader stressed that this was not, by any means, the end of the Council's involvement. It was the start of the Council's negotiations with the Planning Inspector. Within the Relevant Representations document, the Council would be simply setting out its concerns and as the examination progresses, the Council would be submitting more detail, more evidence and more challenges.

The Leader confirmed that as this particular timescale was tight, he wished to advise Members, as he had previously indicated at the Extraordinary Full Council meeting on 3 September 2020, he had now sought and gained the agreement of the Chairman to suspend Call In for any decision that was made tonight by the Cabinet. This was allowed under paragraph 12 of our Constitution which stated: 'The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.'

Clearly to not submit our Relevant Representations by the 30th September would cause significant risk both to the Council and the wider community. By having the Extraordinary Full Council Meeting on the 3 September 2020, to help to shape tonight's decision, it was felt that we have given every Member the opportunity to engage in the process. Many of the comments made at the Extraordinary Full Council meeting had helped to develop the latest, much expanded iteration.

The Leader reported that he had asked each and every Cabinet Member to review the document and to consider the impact of the project on their individual areas of responsibility. The Cabinet presented their findings at the Extraordinary Full Council Meeting and have since reviewed their position in light of the debate that took place. They have fed any further concerns or observations on to the Lead Member and the Officer Team. The Leader stated that he was looking forward to the debate that will follow and asked all Members to keep in mind the limited but vital part we play in the decision-making process. The decisions that we were made today would impact on the whole District for many years to come. The Leader then handed over to Councillor Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development.

The Deputy Leader reported that this Cabinet report was a revision of the relevant representations considered at the Extraordinary Full Council meeting on 3 September 2020. It contained a summary of the issues that the Council wished to bring to the attention of the examining authority as they consider, and the Secretary of State would ultimately decide, upon EDF's Sizewell C application. The Council continued to hold that it should seek to continue to work with EDF, to maximise the benefits whilst minimising the negatives.

This Relevant Representation was a further refinement of those presented to the Extraordinary Full Council of the 3rd September. Full Council saw an opportunity for all Councillors to ask questions and then participate in a well-mannered and informed debate to assist our considerations as we prepared our relevant representations.

The Leader made the point at the start of Extraordinary Full Council and this was later reiterated by Councillor Byatt at debate stage, that our Relevant Representation was not about discussing the rights and wrongs of the principle of nuclear energy, although many did stray into that area. Many Councillors spoke about tourism, coastal defences and environmental impacts. Further detail had therefore been added, for example, on the need to consider the tranquillity of Area of Outstanding Natural Beauty (AONB) and, as such, further assessment was requested on plant and machinery noise levels, compared to background levels. The Deputy Leader had reiterated the Council's expectations on coastal defences, the Monitoring and Mitigation Plan identified

increasing investment demands which would be required to manage the increasingly exposed Hard Coastal Defence Feature (HCDF) over the life of facility, the desire for a covenant or other legal mechanism to bind any new owner in the event of transfer and a legally standing body to oversee the Monitoring and Mitigation Plan. It has also been added that, whilst the Development Consent Order (DCO) sees this sitting with the MMO (Marine Management Organisation), the Council would work with them, to see what could be done to ensure our interests are protected.

Councillor Pitchers had spoken of his conversations with university students; the desire to build it and the need to press for mitigation. Equally Councillor Lynch had added, as Chairman of the Audit and Governance Committee, the importance of effective oversight. Pages 125 through to 127 of the meeting papers cover the additional Relevant Representations on Monitoring, mitigation and compensation. Councillor Smith-Lyte and Councillor Poulter spoke of mental health/quality of life issues and Members were asked to note that the socio-economic impacts had been expanded to include Human Health; furthermore, these are referred to throughout the document. Councillor Poulter had commented that the 24/7 operation of the park and ride sites had not been considered. This had been added and we intend to add to the landscape impacts via our written representations.

Local Councillors Haworth-Culf, Bond and Cooper had made comments including that the project was akin to marmite, that skills and jobs needed to be robust in order that promises made by EDF come to fruition, the timing of mitigation and the life long experiences of the benefit of SZA and SZB. On these points, the Council received a joint signed letter by representatives of organisations such as Suffolk Chamber of Commerce, New Anglia LEP, CBI, Federation of Small Businesses, many colleges, schools, the University of Suffolk, Inspire Suffolk and Access Community Trust supporting the project to what they see as “huge local employment, education and skills opportunities,” as well as that the value of contracts with East of England businesses already secured at Hinkley Point C, offers a great foundation for these firms if Sizewell C starts soon.

Members were asked to note the repeated expectations for a definition of home based workers and the Council's commitment to the supply chain within our Relevant Representation on education, skills employment and economic development. On timings we detail, for example, the need for the bypass as early as possible as well as pre-emptive training to mitigate worker displacement. Councillors Fryatt and Yule made the points of the cumulative impacts and traffic. The Deputy Leader reiterated that the Council would continue to work with the government and energy promoters amongst others. Pages 115 to 125 now cover these points.

At the Extraordinary Full Council meeting, Councillor Bird had reminded all those present of the point of the recommendations: that of enabling the team and the Deputy Leader to proceed with these relevant representations. The vote resolved 30 in favour, 9 against and 4 abstentions.

The Council's team of officers continued to review the 56,000 pages of the application and to prepare for the examination. The Deputy Leader then drew fellow Cabinet Members' attention to the fact that the Relevant Representation has progressed significantly, and had increased by a further 19 pages. The Council had been notified

that Sizewell C would be increasing their apprenticeships target from 1,000 to 1,500, a topic of personal importance to Councillors Green and Mortimer, with a desire to utilise the colleges in our district.

The Deputy Leader then stated that, with Cabinet's permission, he would like to amend recommendation two, in order to include evidential additions. Therefore recommendation two would then read 'That the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development, be authorised to include additional evidence to strengthen the draft Relevant Representation as agreed with the Leader of the Council prior to its submission to PINS.' The Deputy Leader reported that he was joined this evening by the Head of Planning and Coastal Management and the Energy Projects Manager, who would be pleased to answer any questions.

The Leader then invited Cabinet Members to raise any questions. There being no questions, the Leader invited other Members to raise any questions they may have.

Councillor Haworth-Culf sought assurance that funding for the Leiston Together initiative would continue in the longer term. She reported that she felt Leiston had been damaged by the development of Sizewell A and B and she wanted to protect the local area if Sizewell C was approved. The Leader reported that there were currently 3 place-based initiatives within the District and it was important that they continued to be supported to ensure that they were fit for purpose and working with local communities to bring about improvements. The Deputy Leader drew Members attention to page 113, paragraph 2.229 of the report, which stated that the Council was continuing to work with Leiston-cum-Sizewell Town Council to promote a range of mutually acceptable mitigation measures to improve that area.

Councillor Haworth-Culf queried the funding or support that was being provided to the relevant Town and Parish Councils in order to assist them in responding to the public consultation for Sizewell C. The Head of Planning and Coastal Management reported that the Council had been working closely with those Town and Parish Councils affected. Support had been provided to assist those Town and Parish Councils that had required it, whilst others had fed in their views to the Council and were content for them to be presented on their behalf. Members were reassured that there were mechanisms in place to ensure that a full engagement process was completed and that all relevant views could be expressed.

Councillor Fryatt took the opportunity to raise concerns about the local road network and in particular the B1078 and the B1079, which were already grossly overcrowded. He felt that the additional traffic from the Sizewell C site would cause gridlock and suffering to local residents. He felt that the increase in traffic could not be mitigated by minor improvements to the A12, as the minor B roads would not be affected. The Deputy Leader reported that this was a matter for Suffolk County Council to respond to, as the Highways were not an area that the District Council was responsible for. However he did encourage all those people with concerns about congestion on the B1078 and B1079 to submit their views by 30 September 2020. It was noted that this matter would then be considered in more detail as part of the upcoming examination process. The Leader confirmed that it was crucial for such concerns to be raised now, as they would be looked at in more detail in the future and

possible mitigation could then be put in place. The Head of Planning and Coastal Management reported that Councillor Brooks was the Cabinet Member with responsibility for Transport and he would be raising the matter in the relevant forum, with Suffolk County Council and others to find ways to offset the impact of the Sizewell C development on the highways network.

Councillor Bond raised concerns that some local residents felt very unprotected and that they were excluded from the consultation process, which had been made worse by moving online. She felt that some people required additional support as they may not be very computer literate or had limited experience of using the internet, whilst others may be held back by poor internet connections. The Leader reported that the Council would be happy to assist people to engage in the consultation process. He suggested that they should contact their Ward Councillor in the first instance and they would be able to take their views or concerns forward and act as a conduit. The Deputy Leader reported that Parishes should not feel alone, as there had been several local engagement events which helped to provide them with the opportunities to share their views, however he concurred that the Council would support to those who needed it, in order for them to take part in the public consultation.

Councillor Elliott raised concerns that the Relevant Representation from the Council was supportive to the principle of nuclear energy. Whilst he had welcomed the debate at the Extraordinary Full Council meeting regarding the merits or not of nuclear energy, he felt that there had been a lack of understanding regarding the proposed amendment to the recommendation, made by the GLI Group. He felt that the Council had taken the position that it should prepare for the upcoming approval of Sizewell C, whereas he felt that it would be better to try to avoid the development of Sizewell C altogether, rather than try to mitigate the damage it would cause to the district. He also queried the difference of opinion between the Council and Suffolk County Council, in relation to Sizewell C, as he felt that both Councils should be in agreement. The Leader reported that the Council and Suffolk County Council had not yet made their final decisions, at this stage of the proceedings. He stated that each Council would be looking at Sizewell from their own viewpoint and although the two Council's views were not identical, there were still many similarities. The Deputy Leader confirmed that the Council was working closely with Suffolk County Council and the amended recommendation had been debated and voted upon at the Extraordinary Full Council meeting, the views of that meeting were then used to inform the final report for Cabinet. The Examining Authority would now have a very detailed response to consider.

Councillor Gooch stated that the report had been improved, since it was first considered at the Extraordinary Full Council meeting, however she felt that the indicative theme of the report overall was general support in favour of the Sizewell C project. She stated that lots of concerns had been raised by Members at the Extraordinary Full Council meeting, however there was no suggestion of this from the framing of the report. The Leader stated that this report was predominantly the same wording as the report considered at the Extraordinary Full Council meeting. The issues which were raised by Members at the meeting were included, however it was noted that some matters raised at the meeting were not relevant and so had not been included.

Councillor Gooch stated that she felt it was important for local residents to have a full update on the matters raised at the Extraordinary Full Council meeting and she did not feel that the tone of the report reflected the issues that had been raised. The Leader reported that the concerns raised by Members had been included in this report, which was significantly longer as a result. Should Members of the public be interested in knowing every issue that was raised, they were able to view the meeting in full on the YouTube feed or they could read the minutes from the meeting, when they became available.

Councillor Haworth-Culf enquired whether the Leader would be providing those present with an update regarding a petition which had been submitted, in relation to Sizewell. The Leader reported that there was a Petitions Protocol which needed to be followed and it was not therefore appropriate to provide an update on the petition at this meeting. Due process would be followed and the relevant people would be informed, in due course.

There being no further questions, the meeting went into debate.

Councillor Mallinder stated that East Suffolk was a beautiful area and it was important that there was an open and robust discussion about the proposed Sizewell C development. The environment was crucial to all. The Council could either engage thoroughly with the process and endeavour to get the best outcome and mitigation for the district or it could choose not to support the project. The Council had chosen to represent its constituents to the best of its ability, to try to get the best possible outcome for local residents. By engaging in this way, the Council would have more involvement in the vision of the future and ensure that the correct mitigation and compensation was put in place. Sizewell C would be a national benefit and it was important that the district was recompensed appropriately for any disruption it may cause.

Councillor Burroughes reported that the matter had already been discussed in detail at the Extraordinary Full Council meeting and all Members had been given the opportunity to raise any concerns they may have. He felt confident that the Council was doing everything it could to get the best outcome for the district. The Leader confirmed that the Council had a good working relationship with EDF and it was important to be involved in the process to get the best mitigation for the district.

Councillor Kerry stated that he had every confidence in the work being undertaken by the Housing Team, in relation to the additional workers needing to be housed in the area during construction. He felt that the report presented today would ensure the best outcome for local residents.

Councillor Haworth-Culf stated that she would have preferred the Council to take the same stance as Suffolk County Council and not support the development. There were huge concerns among local residents about the impact on local roads, the environment and the effect on tourism and small businesses. She felt that the Council should request that EDF undertake more sea transport in order to keep heavy goods off the roads. Local residents were also concerned by the size of the proposed pylons and they were fearful that they would be overwhelmed by them. There were many concerns from local residents and it was not felt that they were being thoroughly

addressed.

Councillor Bond supported the concerns raised by Councillor Haworth-Culf. She felt that there needed to be sufficient and accurate data provided to local resident in order that they could be fully informed. Information should not be taken at face value, it needed to be challenged. There were significant concerns about the number of rail movements at night, there needed to be more information about how the noise and vibration of those rail movements would be dealt with, so they would not affect nearby residents. She stated that there were several gaps in the information provided and that some areas were beyond any possible mitigation. She finished by stating that she would have preferred the Council to take the same view as Suffolk County Council and not support the development.

There being no further Members who wished to speak, the Leader invited the Deputy Leader to sum up and present the recommendations.

Councillor Rivett, Deputy Leader, thanked everyone for their participation at this meeting. He stated that the Council had made strong representations which would help to ensure that the best results would be sought for local residents. He then proposed the recommendations contained within the report, subject to the proposed amendment to recommendation two, and these were shown on a power point slide for all to see. This was duly seconded by Councillor Gallant, Leader of the Council. Upon being put to the vote, it was unanimously

## **RESOLVED**

1. That the Head of Planning and Coastal Management, in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development, be granted authority to fully engage with the Pre-examination and Examination stages of the Development Consent Order process in relation to the Sizewell C nuclear power station project. This will include:

- Submission of Written Representations to expand upon the Relevant Representation where necessary,
- Submission of a Local Impact Report,
- Submission of Statements of Common Ground between the application and the Council,
- Attending/authorising technical officers to participate at Preliminary Meetings/hearings/accompanied site visits,
- Responding to Examining Authority's questions and requests for further information,
- Commenting on other interested parties' representations and submissions as appropriate,
- Signing planning obligations if required.
- Any other requirements not yet identified.

Should the DCO be granted by the Secretary of State, this will include:

- Discharge of requirements on the DCO.
- Facilitating the Council's responsibilities under any Section 106 agreement.
- Consideration of any minor revisions to the DCO proposed via PINS.

2. That the Head of Planning and Coastal Management, in consultation with the Deputy

Leader and Cabinet Member with responsibility for Economic Development, be authorised to include additional evidence to strengthen the draft Relevant Representation as agreed with the Leader of the Council prior to its submission to PINS.

3. That following agreement by the Cabinet of East Suffolk Council, the draft Relevant Representation set out in Appendix A and summarised below, subject to any agreed amendments, be submitted to PINS.

4. That PINS be informed by the Relevant Representation that East Suffolk Council recognises the national benefit these projects will bring in meeting the low carbon energy targets and creating sustainable economic growth in Suffolk. However, this would need to be achieved without significant damage to the local built and natural environment, local communities and tourist economy. The Council has raised concerns on the following matters:

- Landscape and Visual Effects
- Flood Risk Assessment / Sea defences
- Design and Masterplan
- Freight management strategy / transport strategy
- Cumulative Impacts
- Measures to address residual impacts of the projects

The Council also has concerns or wishes to make representations in a number of additional areas which have been outlined below:

- Socio-Economic Impacts
- Air Quality
- Public Rights of Way
- Ecology
- Coastal geomorphology
- Archaeology
- Construction Management including noise and vibration

East Suffolk Council is supportive of the principle of new nuclear development, recognising the strategic need for zero/low carbon energy and the contribution the industry can make to sustainable economic growth in Suffolk. This must however be achieved without significant damage to the environment, local communities and tourist economy of East Suffolk. The projects as designed to date will result in impacts as set out above, particularly in relation to the environment around the nuclear power stations site and associated development sites, and significant effects on the designated landscape.

5. That this Council continues to engage with EDF Energy/SZC Co. to identify means by which the impact of the proposals can be mitigated and/or compensated if the developments do take place and seek appropriate s106 agreements to secure the necessary mitigation and/or compensation.

6. That the continued work with Government, namely MHCLG and BEIS with regards to the cumulative impacts on East Suffolk of the numerous energy projects existing and forthcoming be noted.

The meeting concluded at 7:37 PM

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Chairman

<b>Unconfirmed</b>
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Minutes of a Meeting of the **Cabinet** held via Zoom, on **Tuesday, 6 October 2020** at **6.30 pm**

**Members of the Cabinet present:**

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Maurice Cook, Councillor Steve Gallant, Councillor Richard Kerry, Councillor James Mallinder, Councillor David Ritchie, Councillor Craig Rivett, Councillor Mary Rudd

**Other Members present:**

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Alison Cackett, Councillor Judy Cloke, Councillor Tony Cooper, Councillor Linda Coulam, Councillor John Fisher, Councillor Tracey Green, Councillor Mark Jepson, Councillor Ed Thompson, Councillor Caroline Topping, Councillor Steve Wiles

**Officers present:**

Stephen Baker (Chief Executive), Kerry Blair (Head of Operations), Sharon Bleese (Coastal Manager (South)), Karen Cook (Democratic Services Manager), Madeline Fallon (Coastal Management Technical Officer), Cairistine Foster-Cannan (Head of Housing), Teresa Howarth (Principal Environmental Housing Officer), Kathryn Hurlock (Asset and Investment Manager), Andrew Jarvis (Strategic Director), Matt Makin (Democratic Services Officer), Brian Mew (Interim Finance Manager), Sue Meeken (Political Group Support Officer (Labour)), Agnes Ogundiran (Conservative Political Group Support Officer), Deborah Sage (Political Group Support Officer (GLI)), Rachel Tucker (East Suffolk Communities Officer)

**1 Apologies for Absence**

Apologies for absence were received from Councillor Smith.

**2 Declarations of Interest**

Councillor Rivett declared a Disclosable Pecuniary Interest in respect of agenda item 5, Private Sector Housing Strategy - Update, as a private landlord, and as a member of the Eastern Landlords' Association. Councillor Rivett left the meeting for this item.

**3 Announcements**

The Cabinet Member with responsibility for the Environment announced that this week was Suffolk Action Week and he gave thanks, on behalf of East Suffolk Council (ESC), to all those that volunteered within the community; he said that the volunteer sector was the backbone of East Suffolk and he referred to the Covid-19 pandemic and how, during this period, it had been the volunteers that had supported the vulnerable. Councillor Mallinder referred to his army of litter pickers, tree planters and environmentalists who made a huge difference in the

community. Councillor Mallinder thanked all and expressed his huge appreciation for their work.

The Cabinet Member with responsibility for Customer Services and Operational Partnerships announced that this was National Customer Services Week and he referred to various events that were taking place within ESC, involving staff and others. Councillor Burroughes referenced the excellent work undertaken by ESC's Customer Services Team and he gave thanks for that.

#### **4 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 1 September 2020 be agreed as a correct record and signed by the Chairman.

#### **5 Private Sector Housing Strategy - Update**

Having declared a Disclosable Pecuniary Interest, Councillor Rivett left the meeting at this point.

Cabinet received report **ES/0508** by the Cabinet Member with responsibility for Housing who reported that in 2018/19 the Private Sector Housing Strategy was adopted by the then Suffolk Coastal and Waveney District Councils. 18 months on, the Strategy had been reviewed and, in the light of the new East Suffolk Strategic Plan, and lessons learnt from delivery, it was now appropriate to ask Cabinet to approve some changes in policy and practice. Officers added that, as of today, ESC had secured another year's funding for the Stepping Homes and Be at Home service; this was very welcome news.

The Cabinet Member with responsibility for Housing outlined the key changes proposed, including the new Independent Living – East Suffolk agency; changes to discretionary disabled facilities grants; a greener renovation grants policy; implementing the new electrical safety regulations and changes to the civil penalties framework.

Cabinet welcomed the proposed changes to the Strategy, commenting that, particularly now in the midst of the Covid-19 pandemic, the changes would be a real benefit and a lifeline to a lot of people within the community.

##### **RESOLVED**

1. That the new improvement agency model and funding structure utilising the Disabled Facility Grant allocation to fund agency costs upfront be approved.
2. That the funding of East Suffolk's annual contribution to Stepping Home and Be at Home, from the Disabled Facility Grants allocations, subject to continued receipt of Disabled Facility Grant funding from Central Government, be approved.
3. That the new grant regime set out in Appendix A to report ES/0508 be approved.
4. That the amendment to the Civil Penalty Policy by adopting the House in Multiple Occupation matrix be approved.
5. That delegated authority be granted to the Head of Housing to utilise the powers under the Private Rented Sector (England) Regulations 2020 and implement the penalty charges as detailed in report ES/0508.
6. That delegated authority be granted to Head of Housing to implement the provisions of sections 43, 47, 48, 49 the Anti-social Behaviour, Crime and Policing Act 2014.

7. That the review of the grant policy, after 12 months or sooner, by the Head of Housing in consultation with the Cabinet Member for Housing to ensure that it is meeting demand and delivering effectively, be approved.

8. That the amendment of the Private Sector Housing Strategy to reflect the policy changes agreed in report ES/0508 be approved and that delegated authority be given to the Head of Housing in consultation with the Cabinet Member for Housing to approve the wording within the revised document.

## 6 Public Space Protection Orders

Councillor Rivett returned to the meeting.

Cabinet received report **ES/0468** by the Assistant Cabinet Member with responsibility for Community Health who stated that his report was presented to Cabinet to provide information about Public Space Protection Orders (PSPOs) and to seek a decision in respect of the extension of three PSPOs in the north of the District.

The Anti-Social Behaviour, Crime and Policing Act 2014 replaced Alcohol Consumption in Designated Public Place Orders (DDPOs) on the 20 October 2017. DDPOs were introduced in Waveney in 2009 following extensive research and consultation which supported orders in Oulton Broad, Harbour and Kirkley wards. These PSPOs would expire on 19 October 2020. Suffolk Police would like the existing PSPOs to be extended but in order to do so, there must be sufficient robust evidence to support the statutory criteria and meet the legal test laid out within the report at paragraph 1.7.

Alongside PSPOs, there was complimentary legislation that could be considered by the Police, Confiscation of Alcohol (Young Persons) Act 1997, Dispersal Powers and Community Protection Notice (CPN).

Council Officers had notified the Police of the expiration of the existing PSPOs and asked them to provide evidence to support the continuation/extension of all three PSPOs. Unfortunately, no supporting data has been received. Data in relation to anti social behaviour in the relevant area was presented in section 2.2 of the report but it was generic and therefore it was not possible to infer what particular outcome would be achieved through continuation of the PSPOs in each area. This data did suggest that the levels of anti social behaviour remained significant in the Harbour ward but not in Kirkley or Oulton Broad wards.

Cabinet was advised that, since publication of the report, Oulton Broad had made a representation in respect of levels of anti social behaviour and had commented that, during the last four months, Oulton Broad Parish Council had employed an independent security company, at a considerable cost and that would have an impact on the precept next year and years to come, to patrol Nicholas Everitt Park, and the surrounding area, to deal with these matters. Councillor Jepson stated that it was perhaps frustrating that the level of information shared about this particular location by the Police was limited; however, it was clear that the Police had not been using the PSPO option in this area, tending to prefer alternative legislation. Councillor Jepson made it clear that the PSPOs did not appear to have been used, with a reliance on other information, which was however relevant to Cabinet.

The Leader emphasised that ESC should not confuse the two issues of anti social behaviour taking place within the Kirkley and Oulton Broad wards with the granting of PSPOs; that was merely one thing that the Police could use to deal with the issues. The Police had clearly chosen not to use

that particular option, and that was an operational policing choice, and not for ESC to seek to impose. It was for the Police to decide how best to deal with anti social behaviour. It was, the Leader emphasised, for Cabinet to look at the renewal, or not, of two PSPOs. That would not change the number of incidents of anti social behaviour or the way in which the Police would deal with them.

Councillor Byatt referred to the alternative methods used by the Police, as referred to by the Leader and the Assistant Cabinet Member with responsibility for Community Health, and asked if ESC should be asking the Police and Crime Commissioner to increase the Police numbers in Lowestoft, if that was an issue, in respect of dealing with these matters. The Leader provided a reminder that the Assistant Cabinet Member with responsibility for Community Health was also the Chair of the local Community Safety Partnership and, as such, had regular liaison with the Police and the Police and Crime Commissioner. The Leader was sure that if there were issues that officers and / or ward members wanted to be raised, then Councillor Jepson would be happy to do that. Councillor Jepson confirm that, and also stated that the Partnership had just completed a consultation exercise and publication in respect of the Community Safety Action Plan for East Suffolk, and anti social behaviour was very much part of that. Councillor Jepson referred to a Task and Finish Group taking place on 9 October 2020 to identify specific actions, in partnership with the Police and other organisations, to tackle anti social behaviour.

## **RESOLVED**

1. That the Public Space Protection Order for the Harbour ward for a further three years be agreed on the basis that the Public Space Protection Order has been used extensively in this ward, along with other legislative tools to support the Police to tackle alcohol related anti social behaviour in this location.
2. That the Public Space Protection Orders for the Kirkley and Oulton Broad wards should not be extended on the basis that there is no evidence that the Public Space Protection Order for these areas has been used or that it has supported the Police in tackling alcohol related anti social behaviour in these locations.

## **7 Appointments to Outside Bodies for 2020/21 (Executive)**

Cabinet received report **ES/0511** by the Leader of the Council who reported that the appointment of councillors to outside bodies was important as it provided support to the organisation concerned and enabled councillors to fulfil their community leadership roles. Full Council, at its recent annual meeting, considered and agreed representation on outside bodies where the role related to a non-executive function. It should be noted, the Leader added, that appointments made to outside bodies should be sensitive to the need to represent, as far as possible, the diverse nature of the local community.

The Leader added that he did need to draw members' attention to some incorrect information within Appendix A to the report; it currently referred to the following outside bodies – East Suffolk Norse Governance Board; East Suffolk Norse Joint Venture Company Board; East Suffolk Norse Partnership Board; Places Leisure; Sentinel Leisure Governance Board; Sentinel Leisure Trust Partnership Board and, finally, Sentinel Leisure Trust – Trustees / Directors. Some of those outside bodies were no longer in existence. Those outside bodies should be referenced within Appendix A as East Suffolk Norse Joint Venture Partnership Board, Sentinel Partnership Board and, finally, Places Leisure Partnership Board.

Appendix A also proposed Councillor Jepson as the substitute for the Norfolk Health and Wellbeing Board; that should be Councillor Cackett, the Leader stated.

Lastly, the Leader stated he was mindful that the leaders of the Labour and GLI Groups had put forward nominations for some executive outside bodies; these had been given due consideration by himself in the formulation of his proposals.

Councillor Topping asked if the Council was failing some organisations by putting people into outside bodies who were not always attending meetings. Councillor Topping suggested that perhaps a register be kept of attendance, that could be reviewed at the time of appointments being made next year, to ensure that the best informed decisions were made. Councillor Topping also requested that equality impact assessments be made available via the MyCMIS app.

Councillor Byatt stated that a lot of councillors were making executive decisions on behalf of ESC; he suggested that it would be helpful for the minutes of those meetings to be made available to all members.

The Leader thanked Councillor Topping and Councillor Byatt for their questions and comments; however, he felt it important not to lose sight of the fact that this was about ESC representatives sitting on an outside body; it was not for ESC to decide on the number of meetings, rules of engagement, agenda items etc. ESC was merely invited to put a representative forward. Full Council and Cabinet appointed the members that they thought would be best suited and able to represent the interests of ESC and the wider community and a lot of thought and consideration went into those appointments. Referring to the minutes of those meetings, the Leader commented that this was a matter for each individual body to decide on. He also reminded members that all ESC members, who sat on outside bodies, were invited to present an annual report to Full Council.

Councillor Topping, in response to the Leader's comments, stated that she was wishing to state the importance of members sitting on outside bodies giving their commitment to attendance in order to support those bodies.

Councillor Byatt sought clarification in respect of the Sentinel Leisure Trust and whether this was still in existence. In response to this, the Cabinet Member with responsibility for Customer Services and Operational Partnerships commented that many of the appointments were historical and the necessary updates were now being made. In respect of the Sentinel Trust Board, it was perceived that maybe there would be some conflict of interest between sitting on the Partnership Board and sitting on the Governing Body too. Those two bodies were now collapsed down into just the Partnership Board.

The Leader advised members that he had asked the Democratic Services Team to conduct a through review of appointment to outside bodies during the coming months.

## **RESOLVED**

1. That Councillors be appointed to those Outside Bodies outlined in the amended Appendix A to report ES/0511 (as uploaded to the meeting documents) for the remainder of the 2020/21 Municipal Year.
2. That the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by Cabinet and that arise throughout the remainder of the 2020/21 Municipal Year.

## 8 Slaughden Shoreline Management Plan Review

Cabinet received report **ES/0512** by the Cabinet Member with responsibility for Planning and Coastal Management, who reported that it was proposed that the Shoreline Management Plan (SMP) policy at Sudbourne Beach, south of Slaughden, be changed to Managed Realignment over all epochs until 2105. This constituted a ‘major’ change to the Shoreline Management Plan.

The current SMP policy along this frontage was to Hold the Line in the short term but no formal policy was set for the medium and long term. Instead, an interim policy of No Active Intervention was defined, “pending an agreed management and investment plan for the Alde and Ore area”.

Since the SMP, the Alde and Ore Estuary Plan had been endorsed by the local authorities. This included the overall vision that the estuary should remain as it was now and to ensure that defences within the estuary were of a standard necessary to withstand overtopping in a one in 200-year event.

The Cabinet Member with responsibility for Planning and Coastal Management reported that an extensive public consultation had been undertaken and 97% of those who expressed an opinion supported the change. Whilst this policy change would not guarantee that the shingle barrier at Slaughden would be maintained, it would provide flexibility for the Council, working with the Environment Agency, to manage changes along this shoreline and respond, if required, to extreme events. As such, the policy would promote a more resilient approach to managing this shoreline in the future.

Councillor Byatt asked two questions, firstly relating to costs, and secondly relating to whether HM Coastguard was being kept informed of the proposals, which he felt was vital. Councillor Byatt was advised that ESC was responsible for the SMP, but the any costs would be incurred by the Environment Agency. It was confirmed that regular engagement took place with HM Coastguard and in respect of this proposal, it was hoped that this policy would not have any impact on its activities.

### RESOLVED

1. That SMP Policy Unit ORF15.1 – Sudbourne Beach to be changed to Managed Realignment in all 3 epochs
2. That the text in the SMP Policy Unit ORF15.1 is revised to:-

	Policy Plan			
	2025	2055	2105	Comment
<b>Existing policy</b>	Hold the Line	No Active Intervention	No Active Intervention	An interim policy pending an agreed Management and Investment Plan for the Alde and Ore area.
<b>Revised policy</b>	Managed realignment	Managed realignment	Managed realignment	Measures to maintain barrier resilient and minimise the risk of a permanent breach forming, whilst working with the dynamic coastline and ensuring continued sediment connectivity.

## **9 Exempt/Confidential Items**

### **RESOLVED**

That, under Section 100A(4) of the Local Government Act 1973 (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 1 and 3 of Part 1 of Schedule 12A of the Act.

## **10 Exempt Minutes**

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

## **11 Jubilee Terrace Beach Hut Development**

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

The meeting concluded at 7:45 PM

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Chairman



**CABINET**

Tuesday 3 November 2020

**RESPONSE TO THE PLANNING WHITE PAPER – PLANNING FOR THE FUTURE**

**EXECUTIVE SUMMARY**

1. The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on the Planning White Paper – Planning for the Future. The White Paper proposes radical reforms to the planning system.
2. This report provides the Council’s response to the consultation (Appendix A) and seeks endorsement of the response.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	All
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<b>Cabinet Member:</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
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<b>Supporting Officer:</b>	Philip Ridley Head of Planning and Coastal Management 01394 444432 <a href="mailto:Philip.Ridley@eastsoffolk.gov.uk">Philip.Ridley@eastsoffolk.gov.uk</a>
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## **1. INTRODUCTION**

- 1.1 The Government has published the Planning White Paper for consultation for a period of 12 weeks from 6 August to 29 October 2020. The timing of this Cabinet meeting falls just after the deadline, so the Council's response, as set down in Appendix A has been sent to MHCLG as a holding response to meet the deadline. Should there be any changes to the response these will be sent through following this meeting.
- 1.2 In his Foreword to the White Paper, the Prime Minister proposes 'Radical reform unlike anything we have seen since the Second World War.' '...building from the ground up, a whole new planning system for England. One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.'

## **2. BRIEF OVERVIEW OF THE CONTENT OF THE CONSULTATION**

- 2.1 The White Paper (link included under Background Papers) sets down a new vision that includes a focus on place making and the design of beautiful places, housing delivery and greater community engagement and involvement through a better user experience including digitisation of documents and the service as a whole. Much of this will require new primary and secondary legislation and other aspects will require a review of the National Planning Policy Framework (NPPF). The Government propose to develop a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms, including a focus on the new planning system being principally funded by the beneficiaries of planning gain rather than the national or local taxpayer.
- 2.2 The consultation sets down proposals focused around three Pillars; Pillar One – Planning for development; Pillar Two – Planning for beautiful and sustainable places and Pillar Three – Planning for infrastructure and connected places.
- 2.3 Pillar One – Planning for development – Proposals to streamline the planning process include:
- Simplifying the role of Local Plans to focus on identifying three types of land – growth areas suitable for substantial development, renewal areas suitable for development and areas for protection. An interactive web-based map will detail the administrative area, making data and policies easily searchable through a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their designation.
  - Local Plans would need to be prepared in 30 months to a strict timeline for each of the 4 key stages, with 'best in class' community engagement. Transitional arrangements are proposed.
  - Masterplans and design codes to be prepared, preferably alongside Local Plans.
  - Development management policies would be established at a national level with local plans subject to a single statutory 'sustainable development' test, replacing the existing tests of soundness. The sustainability appraisal system would be removed, as would the duty to cooperate.

- Neighbourhood Plans would be retained but changes are likely.
- A streamlined development management process with automatic planning permission for schemes in line with Local Plans.
- Decision-making should be faster and more certain, with firm deadlines and greater use of technology and a stronger focus on the build out of housing developments through masterplans and design codes and seeking to include a variety of development types by different builders.
- A standard method for establishing housing requirement figures at the national level is proposed, factoring in land constraints and opportunities to use land effectively, such as brownfield sites.
- In relation to housing delivery, retaining the Housing Delivery Test and Housing Action Plans where required and removing the need for 5-year Housing Land Supply statements.

2.4 Pillar Two – Planning for beautiful and sustainable places - Proposals to provide a framework for quality, including a fast track for beauty include:

- In the autumn the Government will publish a National Model Design Code to supplement the National Design Guide.
- Design guidance and codes to be prepared locally with community involvement.
- Revival of ‘pattern books’ to be prepared nationally to articulate standard building types in areas zoned as suitable for development (*Renewal* areas in Local Plans) – these developments would benefit from permitted development. Local planning authorities or neighbourhood planning groups could use local orders to modify the standard types in their area.
- Incentivise and accelerate high quality development which reflects local character and preferences through expediting proposals that comply with pre-established good design principles.
- The Government will legislate in areas for significant development (*Growth* areas in Local Plans) to require a masterplan and site-specific codes to be agreed as a condition of the outline permission that is granted through the Plan.
- The NPPF will be amended to ensure that a reformed planning system can more effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.
- A quicker and simpler framework for assessing environmental impacts will be designed, listed building and conservation area policy will be reviewed and ambitious improvements in energy efficiency standards for buildings to deliver net-zero will be facilitated.

2.5 Pillar Three – Planning for infrastructure and connected places – Proposals to introduce a consolidated approach to deliver infrastructure and affordable housing include:

- The community infrastructure levy (CIL) should be charged as a fixed proportion of the development value above a threshold, with mandatory nationally set rate

- or rates, or locally set rates and the current planning system of planning obligations (Section 106) abolished.
- The current system should be consolidated under a reformed, extended ‘infrastructure levy’, which could be extended to capture changes of use through permitted development rights.
- The new Levy should also deliver affordable housing.
- More freedom could be given to local authorities over how they spend the Infrastructure Levy revenue.
- Local authorities would be able to borrow against future Infrastructure Levy revenues to forward-fund infrastructure.

### **3. RESPONSE – KEY POINTS**

- 3.1 There is much in the White Paper that is to be welcomed, at least in principle, particularly given the increasingly complex nature of the current system and the challenges for local communities in engaging with it. Proposals relating to greater public participation in the plan making process through greater digitisation, streamlining of plan making and decision making are positive proposals. The proposed removal of the 5-year housing land supply requirement would be welcomed and the removal of the duty to cooperate, provides the opportunity to bring back a wider spatial approach to cross boundary issues and strategic planning. The retention of Neighbourhood Planning is strongly supported.
- 3.2 However, there are proposals that cause concern as set out in Appendix A. Overall, it is not clear that the proposals will make the system less complex and there is doubt over the scope for some decisions to be made locally. Through three different consent processes proposed, depending on the status of the area, the Local Plan and Development Management processes could become more complex and confusing. The proposal to define areas of ‘Growth’, ‘Renewal’ and those which are ‘Protected’ is not sufficiently explained to enable confidence that this would not become a confusing and divisive approach to the designation of large parts of the District. Each designation would have considerably different effects on how development may come forward or be restricted and the designation process itself will be an incredibly challenging process. There is limited detail in relation to many of the proposals that has made it difficult to comment but where possible positive suggestions for the way forward have been made.
- 3.3 Also of note, producing a Local Plan within 30 months is likely to be a particular challenge given the level of detail required, the increased emphasis on community engagement and the regimented staged approach. There are concerns over the proposals for setting housing requirement figures nationally; the adherence to design codes and ‘pattern books’; the use and interpretation of subjective terms such as ‘beauty’ rather than design quality; and fast tracking development that is considered ‘beautiful’. Other concerns relate to granting permission in principle through Local Plan allocations; the refunding of planning application fees if the applications are not determined on time or are allowed on appeal; and a new Infrastructure Levy with nationally set rates and that would also need to fund the delivery of affordable housing.
- 3.4 With respect to housing delivery, in recognition that sufficient supply of land does not guarantee delivery, the Government propose to retain the Housing Delivery Test. In East Suffolk there are over 9,000 dwellings consented that are yet to be built, so incentivising development will be crucial to support delivery. Proposals to diversify the market through a

variety of development types and builders on major sites and the production of masterplans and design codes go some way towards achieving this. However, the additional Government commitment to explore further options to support faster build out rates, although to be welcomed, must ensure the measures have 'teeth'.

#### **4. HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?**

- 4.1 The proposed response to the White paper is consistent with all 5 themes of the East Suffolk Strategic Plan; Growing our Economy, Enabling our Communities, Remaining Financially Sustainable, Delivering Digital Transformation and Caring for Our Environment.

#### **5. FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 5.1 This is a consultation, so there are no financial and governance implications in relation to responding to this consultation.
- 5.2 However, the proposals themselves if taken forward are likely to have implications. For example, there may be a loss of planning application fees should the allocation of development sites remove the need for outline planning permission or fees need to be refunded for applications that are not determined on time or are allowed on appeal; there could be implications in relation to funding for infrastructure if the new Infrastructure Levy is also required to deliver affordable housing; and additional resource would be needed to implement the proposals for the digitisation of plan making and decision-taking; and to ensure the necessary staff resource and skills are in place. New burdens funding is likely to be forthcoming from the Government to support the implementation of the changes but the extent of the funding is unknown.

#### **6. OTHER KEY ISSUES**

- 6.1 An Equality Impact Screening Assessment is not necessary as this report relates to a response to a consultation.

#### **7. CONSULTATION**

- 7.1 The proposals in the White Paper were considered by the Local Plan Working Group in September and have informed this response.

#### **8. OTHER OPTIONS CONSIDERED**

- 8.1 An alternative option would be to not endorse a response to the consultation. It is important for the Council to make its views known in respect of the implications of the proposals for East Suffolk so this option has been ruled out.

#### **9. REASON FOR RECOMMENDATION**

- 9.1 To provide the views of East Suffolk Council on the White Paper consultation.

### **RECOMMENDATIONS**

That the content of Appendix A to this report is endorsed as the East Suffolk Council response to the Planning White Paper – Planning for the Future.

<b>APPENDICES</b>	
<b>Appendix A</b>	Response to the Planning White Paper – Planning for the Future

<b>BACKGROUND PAPERS</b>		
Please note that copies of background papers have not been published with the Cabinet report but are available to view on the Government website, as set out below.		
<b>Date</b>	<b>Type</b>	<b>Available From</b>
<b>August 2020</b>	<b>Planning White Paper – Planning for the Future</b>	<a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a>

## Appendix A

### Response to Planning White Paper – Planning for the Future

#### Pillar One – Planning for development

##### A NEW APPROACH TO PLAN-MAKING

**Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.**

*5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]*

No.

The Council accepts that the current Local Plan system would benefit from some changes and improvements to speed up the process, make it more accessible and simplify the nature and extent of evidence required to justify Local Plan strategy and policies. However, in a densely-populated country, with a multiplicity of pressures (environmental, economic and social), a strong level of public engagement in the planning process (at various levels) and political decisions to be made on appropriate strategies for the future of local areas, decisions on where significant new growth could/should take place, and the policies and infrastructure to support this growth, will rarely be straightforward and uncontroversial.

The proposal to categorise land into one of the three categories seems superficially attractive. However, as the White Paper recognises, sub-categorisation would, in reality, be vital, as there will be considerable differences between different kinds of activities/proposals within the categories (gentle densification of residential areas and small development sites on the edge of villages in the proposed *Renewal* areas, for example), as well as overlaps between categories (for example where there is a strategy for regeneration that covers a Conservation Area). What is therefore less important than the broad category that a parcel of land is within, is the precise detail of what is proposed, expected or allowed to happen (or not happen) to that land. There is potential for the proposals to result in confusion or a lack of proper planning, if national policy tries to over-simplify a practice that should be responsive to the characteristics, issues, pressures and aspirations of the area being planned for, and which reflects the diversity of different places across the country.

##### Growth and Renewal areas

Taking this theme forward, there would seem to be relatively few benefits in having separate *Growth* and *Renewal* areas – the first alternative option set out in the White Paper (paragraph 2.11). Instead, a combined *Growth/Renewal* category could usefully encompass:

- i) New (greenfield) allocations, covering everything from 5-10 dwellings upwards (or equivalent for other kinds of development); and

- ii) Significant brownfield sites (if individually large enough), or larger areas within which some regeneration is expected or could take place (such as more urban areas with a number of existing or potential brownfield sites).

The granting of permission in principle would be more appropriate for greenfield allocations, as long as there would still be scope for masterplanning/design briefs to flesh out the details appropriately (with local consultation). Masterplanning (or equivalent) would be absolutely crucial to securing an appropriate form of development as it will not always be possible to know every detail of a scheme (and the land it sits on) at the Local Plan stage.

The White Paper suggests that areas of flood risk (and other constraints) would be excluded from *Growth* areas, unless any risks can be fully mitigated. Whilst there is some logic to this, in reality, especially for many larger sites, it is almost certain there will be some environmental constraints (and quite possibly some 'social' constraints too, such as highways infrastructure and education capacity). It is often sites with complex constraints, in particular brownfield sites in urban areas, that need a strong policy position encouraging their regeneration and which set out clear parameters for their future development. Requiring Local Authorities to demonstrate that such constraints could be "fully mitigated" such that permission in principle would be granted is likely to be a more labour-intensive and expensive process than the current allocations process, and is likely to be very challenging if not impossible in the short time-frames in which new Local Plans are proposed to be prepared under Proposal 8.

The granting of permission in principle is also further complicated by the existence of an established 13km Zone of Influence on Protected Sites (SPA, SAC and Ramsar) across the vast majority of East Suffolk. The need for Habitats Regulations Assessment and necessary mitigation has prohibited the use of permission in principle across most of the district. It is likely that most areas that would be identified for 'growth' would also fall within this area.

#### Existing residential areas

For areas which are largely or entirely residential (and so not likely to change greatly over time), a separate categorisation dealing with the most common kinds of proposals (largely extensions and rebuilds, perhaps with some backland development/intensification if appropriate) would seem sensible. The creation of SPDs/Design Guides, which could vary in their spatial coverage and requirements (depending on the characteristics of the area) could help with simplifying the process of handling proposals, at least in some areas.

It would make more sense for the status of gardens to be considered in this new zone, rather than as a Protected Area. That way, individual LAs could consider what is the most appropriate path to take in their area (with there likely being differences in the ways that gardens are treated in different parts of their area – in some cases, "gentle densification" could be appropriate, but in others not so).

However, it should be recognised that householder applications (going beyond the scope of what is allowed through permitted development rights) can frequently raise strong emotions from neighbours and others in terms of potential amenity, over-shadowing and

over-looking effects, materials choices, car-parking etc. As there is such a variety of different residential dwellings, and set in different environments, it is therefore not likely to be practicable to come up with a one-size-fits-all set of design parameters which could be applied to all scenarios – in other words, the exercise of planning judgement by the local authority will still be necessary on many such proposals. Certainly there should not be any presumption of an automatic permission in principle.

### Protected areas

The proposed use of “Protected” as an umbrella term for sites and areas with particularly sensitive characteristics is unhelpful. No matter the effectiveness of the messaging in the production of Local Plans, it is likely to be misunderstood by a proportion of the public as meaning “protected from any development”, when – as paragraph 2.8 of the White Paper makes clear – it instead means “*more stringent development controls [than in other areas] to ensure sustainability*”. A different term such as Area of Restraint” “Constrained land” may be more appropriate.

Having appropriate planning controls over development proposals in such areas – derived from a mix of national and local policies – is broadly the same approach as currently practised and is sensible. Not all “constraints” designations will carry the same weight, however – land in Flood Zone 3 and in Areas of Outstanding Natural Beauty are more towards the high end, and “open countryside” not in Growth/Renewal/Residential areas towards the low end. It is important that LAs have the ability to continue to distinguish appropriately between these constraints in the preparation of Local Plans – in effect, “sub-zones”, where controls may be stronger, less strong or simply different (as appropriate).

There are large swathes of generally undeveloped countryside in East Suffolk that are not covered by designations such as AONB but that, by virtue of not being identified as ‘growth’ or ‘renewal’ areas, would fall within the category of ‘protected’. These areas support rural businesses and small communities, with planning policies in the current Local Plans enabling some development to take place, albeit that opportunities are more limited in acknowledgement of the sustainability and environmental effects that more significant development would have. Such development includes, for example, affordable housing on exception sites or tourism uses.

The Council has comments on some particular constraints:

#### *Flood risk*

The current approach – where flood risk carries significant weight but matters such as the Sequential Test and Exception Test can be applied appropriately to assist with (for example) brownfield/town centre regeneration – should be carried forward broadly unchanged.

#### *Coastal erosion*

East Suffolk has a long and vulnerable coastline, with erosion an ongoing and serious issue. The designation of Coastal Change Management Areas in Local Plans is seen by the Council

as a useful tool to guide appropriate (and restrict inappropriate) development in such areas, such that local flexibility can be applied.

Managed realignment, and the benefits of applying such an approach in particular locations in England, is a key issue, and the Council recognises the work that Defra and the Environment Agency have been doing. The Council is a member of Coastal Partnership East, alongside Great Yarmouth BC and North Norfolk DC, and sharing resources and expertise has been very effective across Norfolk and Suffolk, but some further policy support for realignment in the NPPF and PPG (as well as in Defra guidance/policy) would be very useful.

#### *Areas of Outstanding Natural Beauty*

Much of the East Suffolk coastal area falls within the Suffolk Coast and Heaths AONB and large-scale growth in the area is not likely to be appropriate. However, some growth – to enhance the social and economic sustainability – of certain settlements will continue to be appropriate. By way of an example, the recently adopted Suffolk Coastal Local Plan contains two site allocations for housing development within the Suffolk Coast and Heaths AONB, recognising that communities in the AONB need to continue to evolve. Under the proposals, these are likely to be ‘renewal’ areas rather than ‘protected’, and therefore there needs to be scope for overlap and nuances, rather than sweeping policies that would categorise the whole AONB as ‘protected’.

#### *European nature conservation sites*

East Suffolk has seven Special Protection Areas (SPAs) and/or Special Areas of Conservation (SACs) within the district, plus the Broads SAC and Broadland SPA adjoining parts of the district, within the Broads National Park.

Areas within SPAs and SACs are, rightly, subject to a very high degree of protection from inappropriate development. However, there are “zones of influence”, outside the directly designated sites, within which development and activities can impact on SACs and SPAs (such as through recreation). Whilst in some cases appropriate scheme design and/or mitigation can ensure that new development can go ahead, this is not always possible, and the higher the level of growth proposed, the greater the level of pressure. This therefore doesn’t mean that everywhere beyond the actual site is unconstrained, and this could therefore have impacts on, for example, the ability to grant permission in principle.

#### *Conservation areas*

Conservation Areas are not “Preservation Areas”, and some appropriate growth and change may still be acceptable in them – indeed, some development can sometimes actually bring benefits (the same can apply to listed buildings). This is the case with the North Lowestoft Conservation Area, a large part of which is included in the North Lowestoft Heritage Action Zone. In 2020 the Council adopted a Supplementary Planning Document for the Heritage Action Zone which will complement planning policies in the Waveney Local Plan in seeking positive change within this area. As with Natura 2000 sites the ‘zone of influence’ can extend outside Conservation Areas themselves, furthering the need for a more nuanced approach than simply allocating them as “growth” or “protected” areas.

## Format of new style Local Plan

Whilst the detailed proposals for map-based Local Plans are set out under Proposal 7, it is noted that under proposal 1 the intention is for the new style of Local Plan to be an attractive web-based map where data and policies are easily searchable, with a key and accompanying text. The Council is supportive of the Government's ambitions for Local Plans to be increasingly digital, however as set out above there would need to be scope maps to show nuances and locally specific policies within the three categories.

## Conclusion

For the reasons set out above, the Council is concerned that designating every piece of land in one of three proposed areas is an over-simplification of what is (and always will be) a complicated picture. Striking the right balance between environmental, social and economic considerations to deliver sustainable development will sometimes be fairly easy and obvious, but will often not be, with compromises necessary, and different views (which can be held strongly) on what the right balance should be. A common theme in the White Paper is that better quality and quantity of data will help lead to more rapid and better quality Local Plans and decisions, and whilst there is definitely something in this, in most cases planning judgment is needed to ensure the right decisions are taken.

This is especially true of plan making, where so many possible strategies or solutions may exist to address what are a complex set of issues and opportunities, and where genuine public consultation needs to inform the decisions that are made. All too often the public feel as though they have not properly been heard when making comments during the preparation of a Local Plan, regardless of the time and careful consideration of comments that is undertaken by the local planning authority – an over-simplified, “computer says no/yes” approach, will not engender full public confidence in the revised planning system.

## **Proposal 2: Development management policies established at national scale and an altered role for Local Plans.**

*6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]*

Not Sure.

Many Local Plan policies are generally consistent between Local Planning Authorities and within East Suffolk we have attempted to produce consistently worded development management policies across both of our recently adopted Local Plans covering the former Waveney and Suffolk Coastal areas. However, established differences in policies and local priorities inevitably create subtle differences and area specific policy differences.

Policies covering design considerations such as aesthetics, function and living conditions and technical matters like flood risk are not entirely specific to East Suffolk over any other area. In respect of these types of policies we believe there may be scope for nationally set considerations through the NPPF or an update to the NDG. Such an approach would require a change to planning law to enable national policy to afford the same weight as the development plan under Section 38(6).

Local Plans need to be able to address local distinctiveness and local design expectations. It may therefore be appropriate to operate a dual policy process, where both national and local policies afford equal weight allowing local design expectations to be fundamental development management considerations. These may include greater emphasis on dementia friendly design or the use of specific methods of design appraisal (eg. Building for Life or a local design guide). Beyond these policies it is likely to be too challenging to address the nuances and individuality of all LPAs through a single approach.

**Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.**

*Questions 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

Sustainability Appraisal in particular has become an often unwieldy and over complicated process, resulting in documents that are hundreds, if not thousands of pages of long and mean little to the local communities engaged in the plan making process. However, what these sometimes excessively complicated and long documents often mask is effectively a simple and useful process which should (when done well) provide a sound tool for balancing priorities across a plan area. Any alternative to the current system should recognise the wider considerations associated with Sustainability Appraisal. Replacing the current SA process with one based on a much narrower definition of sustainability (focused on environmental factors) risks reducing opportunities to balance the, often competing, considerations of social, economic and environmental impacts which is a key element of the plan making process and ensuring the necessary mitigation is included through policies.

*7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?*

The current approach to cross boundary strategic planning through the Duty to Cooperate is clearly not working, as exemplified by various examples across the country including failing to pass the legal test, which is assessed at a very late stage in the plan making process and the associated implications.

There needs to be a return to a higher level of strategic planning that integrates place making and investment priorities and is bottom up and top down. It should be all embracing and include economic growth, infrastructure planning and transport agendas, as well as climate change, health and well-being. A starting point would be to have a collaborative approach to place-based growth across government departments. This joined-up and shared vision and direction could be instrumental in driving forward and supporting a new approach to strategic planning, at the regional or national level but preferably both. An integrated and national collaborative approach could be a strong tool in delivering on the Government's 'levelling up', economic growth and climate change agendas and provide a clear vision and greater certainty for all parties involved in place making, the delivery of growth/regeneration and investment in infrastructure in its widest sense at all spatial levels. Clarity and certainty are crucial in underpinning the delivery of excellent place making.

Alongside any new approach to strategic planning, collaboration between Councils and other organisations at a lower level should of course continue. This could usefully continue through voluntary Statements of Common Ground that evolve over time and set down clear decision making in moving issues forward. This approach has proved a useful basis for collaboration and collective place making for the Ipswich Strategic Planning Area.

On a final point, it may have been more fruitful to have been able to consider the way forward for strategic planning alongside any impending Government proposals for local government reorganisation. As it is, the way forward for planning has been considered in isolation of the potentially bigger picture. Notwithstanding this, the principles of the above response still stand.

**Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

*Questions 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]*

No.

The Council has separately submitted comments to the consultation on Changes to the Current Planning System which sets out proposals for amending the standard methodology for assessing local housing need. The Council acknowledges that the White Paper states that the future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here, and the Council's response here therefore reflects the outputs of the revised standard method calculation and our response to that consultation.

Our response to the consultation on Changes to the Current Planning System set out the calculation for East Suffolk using the proposed standard method, which would provide a housing need of 1,660 dwellings per year. This is compared to the housing need figure calculated under the current methodology (as at 1.4.2020) of 866 dwellings per year and the requirements currently being planned for in the Suffolk Coastal Local Plan and the Waveney Local Plan totalling 916 dwellings a year. The new standard method clearly results in a very significant increase that would be extremely difficult to deliver not only considering any environmental constraints but also the capacity of the development sector to deliver at that scale.

The Council can certainly see the merits in having a standard method to a housing requirement that doesn't need to be tested through Examination, having just gone through the Examination of the Suffolk Coastal Local Plan which, in accordance with the NPPF, contains a housing requirement which applies the standard method. Whilst the requirement of 542 dwellings per year is greater than the past requirement of 465 it is considered achievable and the Council has over-allocated by a factor of 16.5% as a means of planning positively to meet and exceed this figure.

We will not repeat our detailed concerns made against the Changes to the Current Planning System consultation here, but will focus on the specific proposals set out in the White Paper.

The Council is concerned that the approach to housing requirements is being driven by the goal to build 300,000 dwellings per year. This top down approach will no doubt constrain the extent to which the considerations set out in paragraph 2.25 of the White Paper can influence the setting of appropriate housing requirements for each local planning authority area. It is not clear whether there is any flexibility in the figure of 300,000 should, having gone through a robust approach of considering constraints and opportunities at the local authority level, the amount of growth be either unachievable or is undesirable in planning terms.

Under the proposals, it appears that the matters that would be had regard to in establishing the housing requirement (under paragraph 2.25) would be determined by the Government and handed down to each local planning authority. Local planning authorities are best placed to fully understand the opportunities and constraints that exist in their area and therefore need to play an active role in the process of identifying appropriate requirements. This should be undertaken outside of the proposed 30 month time frame for producing a Plan. Statutory consultees are also important in this respect as the Government would no doubt not wish for plans to be held up later on due to objections from statutory consultees which are difficult to reconcile due to the scale of growth.

Looking at each of the factors set out under paragraph 2.25 in turn:

- 1) The size of existing urban settlements. This assumes that urban settlements have more capacity to absorb new housing growth than rural locations. In reality, whilst in principle it is more sustainable to expand existing urban settlements, just focusing on their size seems to be a rather simplistic way of looking at this. Where urban areas

are located on a peninsula (such as Felixstowe) or adjacent to the coast (such as Lowestoft and Felixstowe), there is by their very nature less room to expand – how would this be factored in? Many urban areas are constrained by environmental designations or areas of flood risk and therefore the location (not just extent) of land constraints would need to be part of the consideration (see response to land constraints below). Also, urban settlements have very different roles, regionally and nationally – how will consideration be given to the functions of urban centres?

- 2) Relative affordability. Looking at the published ratios of median house price to median gross annual workplace-based earnings by local authority district, for 2019 (published in March 2020)<sup>1</sup> it is not clear how this consideration will relate to other factors and to any wider national ambitions. Some of the areas with the highest affordability ratios are in London where land is severely constrained in many cases, whilst areas in the north of England which may have aspirations for growth have relatively low affordability ratios. The standard methodology already has two uplifts to address affordability, so adding a further uplift, or a possible decrease, into the requirement seems to be undermining the process already gone through in the standard method.
- 3) The extent of land constraints. Whilst it is sensible to consider land constraints, this needs to be carefully thought through to ensure it isn't undertaken in too simplistic a way. The most sensible approach would be to look at land that isn't constrained and consider the scope for accommodating development on that land. Not all constraints related to designations are confined to the designated areas themselves. For example, much of East Suffolk is within an established 13km zone of influence within which new development would lead to impacts of recreational disturbance on European Sites (Special Areas of Conservation and Special Protection Areas). Whilst measures to secure mitigation are in place in relation to current growth, this would need to be a factor in determining whether considerably higher levels of growth can reasonably be accommodated and isn't something that can be properly understood through only looking at mapped land constraints.
- 4) Opportunities to better use brownfield land for housing. The White Paper states that the requirement figure will expect brownfield opportunities to have been fully utilised before the land constraints are taken into account. From this, it seems that unless brownfield sites have been developed / permitted / allocated then environmentally sensitive areas may need to be compromised. Whilst the Council fully supports the regeneration of brownfield land, the logic behind this seems flawed – allocating more greenfield land is not going to help brownfield land come forward. Brownfield sites are the most difficult to develop and with a finite capacity

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<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

in the development sector no doubt greenfield sites would be developed first. If it is intended as a 'stick' to ensure that local authorities focus on brownfield sites this isn't the right solution. Brownfield sites often have complex issues, such as fragmented land ownership, and the Council's Housing Action Plan notes that the reasons for past under-delivery in the former Waveney District have in many cases been down to complex brownfield land allocations. East Suffolk Council is actively working to bring forward brownfield sites such as the Kirkley Waterfront and Sustainable Urban Neighbourhood in Lowestoft through partnership working - diverting resources and attention to the allocation of more greenfield land is not going to help such sites come forward. Further, urban areas have evolved and changed through time and there is always likely to be an element of brownfield land which at any point in time is not being used or redeveloped.

- 5) The need to make an allowance for land for other non-residential development. This is essential, as needs for employment, retail, community uses, infrastructure etc need to be planned for alongside housing. As well as built development this should also include open space and green infrastructure which is essential to support existing communities and new housing.
  
- 6) Inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions. The Council has very significant concerns about this, as raised in our response to the consultation on Changes to the Current Planning System. Like many Local Plans, the Suffolk Coastal Local Plan and the Waveney Local Plan plan for a contingency above the housing requirement (16.5% and 12% respectively excluding windfall). Adding a contingency into the requirement itself is inconsistent with the Housing Delivery Test (and the requirement to maintain a five year housing land supply noting that there is a proposed option to remove this) whereby authorities are measured against the requirement, and are able to plan for a contingency above this to provide them with greater confidence that requirements will be met, the triggers for the presumption in favour of sustainable development will not be met and a plan-led approach can be maintained. Including a contingency in the requirement is setting local authorities up to fail. Guidance on an appropriate level of contingency (as a range not a precise percentage), above the requirement, would however be supported to save having debates on an appropriate level during the Examination process.

In addition to the factors above, a further factor that needs to be included is a consideration of recent levels of growth and current housing requirements. A sudden step change would be difficult to deliver, in terms of both the development sector and also in terms of infrastructure provision and impacts on communities. There should therefore be a cap on the level of increase on existing figures that can be applied, of say 25%, to allow any increases to be more manageable.

The factors set out would need to be balanced against each other through use of sound planning judgement, rather than being considered through some form of 'scoring' or overly numerical or rules based method. There are overlaps, for example an area may have affordability issues yet equally may be constrained by environmental designations.

For an approach to setting housing requirements at the national level to really work there would need to be some form of overarching national spatial strategy to inform the distribution of growth and an overall housing target for the country. Looking at constraints, issues and opportunities by authority on a piecemeal basis to meet a pre-set figure of 300,000 dwellings does not seem to represent the best way in which to plan to really make the most of opportunities and address the issues identified in the White Paper.

The proposals involve removing the requirement to demonstrate a five year supply of housing land. East Suffolk can demonstrate a five year supply of housing land however strongly supports the removal of this requirement. Having produced a Housing Action Plan in 2019 and updated it in 2020, as a result of the Housing Delivery Test for the former Waveney area, the Council considers this to be a much better tool for boosting housing supply as it enables the reasons for under-delivery or likely issues in the future to be analysed and appropriate actions put in place. The Housing Land Supply report, on the other hand, does not provide the same focus as it is really aimed at passing a test and demonstrating a number greater than five. There are flaws in the numerical approach to Housing Land Supply, for example a better result will emerge if houses are completed in April rather than March in circumstances where there is no past shortfall or the standard method is being used. The extensive engagement with developers and agents could be put to much better use if the focus was on informing the Housing Action Plan, where one is needed as a result of the Housing Delivery Test.

In combination with other proposals in the White Paper, the potential increase in housing requirement will result in East Suffolk having to prepare a Plan for double the growth within a much condensed time frame whilst achieving best in class public involvement. This would pose a serious and likely unachievable challenge.

*8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]*

No.

See response to 8a above.

## **A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS**

**Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development,**

**while automatic approvals would also be available for pre-established development types in other areas suitable for building.**

*9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]*

No.

Sensitivities don't stick to boundaries. Automatic permission still requires all outline considerations at local plan stage. This needs a substantial evidence base and assessment irrespective of the level of design detail. Under a faster Local Plan process this would be compounded into a rushed and potentially unsound position. By frontloading this to the Local Plan stage it just shifts to points in time where expense and time is required. It would bring negotiation forward too early and in a constrained timeframe. Attention of officers would be spread across multiple sites rather than allowing a well-resourced focused approach on each submission as it comes forward. We believe that through well-resourced planning authorities the existing staged process of allocation followed by a planning application could be improved but ultimately is a trusted and sound process.

This approach also curtails the positive opportunities for collaborative pre-application design. Design is essential for the consideration of the principle of development, particularly if setting some design expectations within the allocation.

*9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]*

No.

This, along with 'Growth areas' would be confusing and divisive. Rural districts cannot be designated in such simple terms. It is not clear how Protected Areas would be defined and existing boundaries (e.g Conservation Areas and AONB) to not define the extent within which a higher level of protection is required, external influences on these areas can be highly significant. It should also be noted that existing Habitat Regulations protected sites (SPA, SAC, Ramsar) have zones of influence which are far reaching. In East Suffolk these are established at 13km from protected sites and due to the extent of protected sites we have, the majority of the district can have significant effects on those. We already know that this can effect other existing processes such as the use of Permission in Principle and we anticipate that it would be exceptionally difficult to designate areas within our Zones of Influence as Growth Areas.

As well as our established Zone of Influence for residential development and European designated sites, some types of development can also have impacts on nationally and locally designated sites. In particular, some SSSIs could be vulnerable to developments some distance from their boundaries (e.g. through air quality or hydrological impacts) which the

current proposals don't seem to consider. The existing Natural England SSSI Impact Risk Zone (IRZ) dataset is available to help assess such impacts.

Its also not clear how this new zoning approach will match with the upcoming requirements of the Environment Bill, particularly the delivery of Local and National Nature Recovery Strategies.

It is also important to consider how the public might interpret these terms. The concept of Green Belt is already highly misunderstood nationally. Protected areas could be interpreted by the public in a similar way, therefore politicising the area definitions and creating a more challenging planning process.

*9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

Nationally there may be merit in this approach for the largest of new towns (e.g 5000+ homes). The largest garden villages/neighbourhoods planned for East Suffolk are for up to 2000 homes and we believe that this size is well below any threshold were an NSIP approach could be utilised. The current plan-led and planning application process is most suitable for the largest sites in East Suffolk. It maintains local investment and decision making in the planning process, it ensures that LPA's are compensated for the time and resources invested through planning application fees and it provides a better understanding of the housing delivery effects.

**Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology**

*Question 10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

The Government should heavily value the benefit which time in decision making brings. Considerable attention should be given to reviewing a faster process to avoid an overly process driven approach. The necessary negotiation, consultation, re-consultation and appraisal required in many planning applications provides applicants with sound, robust decisions and provides clearer confidence in the planning system for our communities. In achieving good design and beauty, time will be required, and the best designs have almost always been formed through an iterative process and this is regularly valued by applicants despite the time it adds. It is therefore essential to maintain flexibility in planning decision timeframes and if an applicant and LPA can both agree on the value of taking more time through a formal extension of time then that should be an option.

In respect of smaller, simpler decisions we agree that a more refined, faster and efficient process could be achieved. The challenge for Development Management officers however is the management of multiple types of applications with different timeframes and if a large number of applications have shorter timeframes and therefore a condensed decision making period and therefore higher priority, how would this impact on attention given to those requiring more time. The benefits of multiple planning application routes are beneficial in making a dynamic and responsive planning system but effect on productivity of professionals managing a for more complex set of planning processes needs attention.

In respect of conditions, national standard conditions do have some merit and in principle there are efficiencies which could be achieved. Many LPA's have their own standard conditions but much of the time these do require amendment or adaption to the specifics of a site and its circumstances. Applicants also benefit from flexibility in conditions enabling them to be tuned in their wording to suit the approach to delivery or difference in detail already submitted. In reality therefore, nationally set conditions would not be beneficial in speed of delivery or improving outcomes in many circumstances. Effort should instead be invested in producing an up to date set of national template conditions and improved guidance to support them.

An alternative approach could be to adapt planning application forms to ensure that standard conditions are addressed by the applicant when making the application. For example, the materials to be used or future submission of landscaping details. The detail on the form could then become more binding and therefore would specifically be referenced under a condition alongside plans with the form dictating on what must be done and submitted after approval. This would immediately provide better certainty and clarity to LPAs and consultees and fast track consideration whilst also removing many examples of the need for prior agreement of pre-commencement conditions.

The proposals to automatically refund planning fees for applications should they not be determined with statutory time limits is a punitive measure which will arguably not benefit anyone (apart from applicants). There may well be good reasons, often beyond the local planning authorities' control, why decisions on applications take longer such as getting input from statutory consultees or because the information submitted with applications is poor or inadequate requiring further requests for information. Particularly for larger and/or more complicated applications, agreed extensions of time can often help lead to improvements in the proposal/key issues being addressed and amendments consulted upon. At best this can mean an application then being approved (or recommended for approval by the Planning Committee) and at worst some of the areas of disagreement might be able to be resolved, narrowing the areas to be addressed/considered in an amended application or appeal.

It is inevitable that, if automatic refunds are introduced, it will lead to a significant increase in the refusal rate by LPAs. This was the position some years ago, before welcome pragmatism was introduced to allow agreed extensions of time to "count" in the determination statistics. Councils do not want to be in a position of refusing applications that, for want of a few extra weeks' work to address outstanding issues, could be approved. In an ideal world all applications received would be complete, with all necessary information attached and all key issues addressed. Unfortunately, LPAs have to deal with the world as it

is, not as they would like it to be, and poor-quality applications – and applications through which issues arise unforeseeably – will continue to be a reality. In addition, an increased rate of refusal would lead to further pressure on the Planning Inspectorate; whilst the time taken to negotiate improvements to an application (through an extension of time) are often measured in weeks, even a simple appeal can take many months to reach a final decision.

Similarly, the Council **fundamentally disagrees** with the proposal to refund application fees where permission is allowed on appeal. There are, in the vast majority of cases, valid planning reasons why an application is refused. However, given planning is subjective in nature, and that new material considerations may emerge during the timescale of an appeal (especially if the appeal takes a long time), an inspector may – quite legitimately – reach a different conclusion balance to the LPA. Therefore this does not necessarily mean that the LPA was wrong to refuse the application; the Courts have made clear, in many different cases before them, that the decision-maker (council, Inspector or Secretary of State) has a wide degree of latitude in the exercise of ‘planning judgment’. In any case, inspectors already have the power to make awards of costs where councils (or, for that matter, applicants) are deemed to have behaved “unreasonably” in the determination of the application and/or during the appeal process.

## **A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS**

**Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.**

*Question 11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

There is certainly more that can be done to use digital technology to make Local Plans more visual and map-based. However, there are practical limitations to this.

The single thing that would increase the success and usability of greater digitech is the establishment of a common set of standards that all software providers would have to work to. If data and information all had to be produced or made available in a universal format (such as a .shp shapefile for GIS information), then this would mean that information provided through different PropTech software providers could be ‘read’ and merged universally (for, say, better assessing cross-boundary strategic planning issues etc).

East Suffolk Council has found that interactive online formats are useful tools for carrying out consultations and summarising reports. [A Summary of the East Suffolk Authority Monitoring Report 2018/19](#) is an example of how a relatively long and complex planning report containing detailed information can be made accessible to the public and provide local developers and agents with a useful snapshot of information. Visual and interactive

map-base information could be a useful initial source of information for landowners, developers, consultees and the public but such tools can never replicate or replace the level of detail currently provided in national policy, Local Plans, Neighbourhood Plans, guidance documents and design codes.

Standardised geospatial information could show the national policies (NPPF), Local Plan policies and Neighbourhood Plan(s) policies and land designations that apply to an area of land in the form of policy lists. This would provide a helpful starting point for landowners, developers and members of the public seeking information on planning policies and processes. However, visual and interactive map-based information would need to link to relevant documents and/or sections within documents that provide the necessary detailed information. It is unrealistic to expect a map-based format to show the level of detailed information currently contained in national policies, Local Plan policies and Neighbourhood Plans policies. Any map-based system that only provided information on Local Plan policies and excluded national and Neighbourhood Plan policies would have incomplete information and would fail to realise the full potential of digital technology.

Whilst a map-based format could list planning policies that may be relevant to an area of land, it is unrealistic to expect a map-based format to show how a wide variety of policies on topics such as the historic environment, landscape, flood, design and biodiversity etc, should be applied to a specific area of land without each LPA carrying out very extensive, expensive labour-intensive analysis of the land. The weight attributed to different national, local and neighbourhood planning policies would also be difficult to convey in a solely visual or map-based format. The relevance of different planning policies can vary depending on the type, size and scale of development proposed in an allocation/site. It will also never be possible to fully anticipate in advance the type of development that could be proposed by a landowner or developer on a given site, nor to anticipate changes in designs or materials etc that might affect what could come forward.

During the production period of a new Local Plan, it needs to be recognised that to properly consider some zones/allocations to the level of detail proposed in the White Paper (outline planning permission, in some cases), a significant level of work will be needed. It is also important to note that it is much more difficult to show infrastructure implications on a map, particularly with strategic cross-boundary issues – for example, how could potential increased traffic flows be shown?

Any ‘model template’ for a Local Plan would need to be capable of being altered to the accommodate the issues specific to Local Planning Authorities areas and sites, and issues raised by the community through consultations. The use of web-based formats that are accessible on a range of devices, instead of PDF-style documents, is supported by the Council.

Digital technology and new formats should not be provided in a manner that would replace or discourage early engagement with LPAs. Early discussions between landowners,

developers, consultees and LPAs are key to securing high-quality and beautifully-designed developments.

The IT skills and resources in LA planning departments to produce information in the digital formats proposed varies across LAs and would require a significant investment in IT software, IT officers and training of officers. Any requirement to rapidly introduce new digital formats could be very expensive, although the intention for pilot approaches is noted.

## **A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS**

**Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

*Question 12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]*

No.

It is agreed that the Local Plan preparation process can take a long time and appropriate measures to help shorten it would be welcome. Some of the proposals set out in the White Paper to do this are supported by the Council (such as, in principle, simplifying the Sustainability Appraisal process). However, the Council has significant concerns about the proposed maximum 30-month timescale and comments on them below.

The Council has two recently adopted Local Plans which were prepared and adopted to a timetable which could be considered short when compared with other Local Plans under preparation. Work on the Suffolk Coastal Local Plan began in mid-2016 with a call for sites and evidence gathering, the Plan was submitted in March 2019 and was adopted in September 2020. Work on the Waveney Local Plan began in mid 2015 with a call for sites and evidence gathering, the Plan was submitted in June 2018 and was adopted in March 2019. The production of the two Local Plans to these timetables has required considerable corporate and political commitment, and a reasonably resourced planning policy team.

To draw up the Local Plan, including evidence, and submit and adopt successfully within 30 months, has a large number of contingent factors, including (not in any order of priority):

### *Key consultees*

A number of consultees need to be involved in the preparation of the Local Plan through its informative stages and beyond just submitted responses during specified consultation periods. The Council has worked hard to build up positive relationships with such consultees over recent years, and as such is very mindful of the resourcing pressures and competing demands that such organisations face. Ensuring that **all** relevant key consultees are able to engage and respond rapidly to requests for information, analysis and opinions is critical. The list of consultees includes (on the public sector/pseudo-public sector side):

- Environment Agency;
- Natural England;
- Highways England;
- County Councils (as relevant, especially as Lead Local Flood Authority, Highway Authority, Education Authority, Minerals and Waste Authority, Fire Services and Adult/Social Care Authority);
- Health authorities/Clinical Commissioning Groups;
- Police;
- Local Enterprise Partnership(s);
- Neighbouring authorities, especially in connection with cross-boundary strategic planning matters;
- Water and/or sewerage companies;
- Electricity supply/network companies; and
- Local Nature Partnerships.

Given the proposed introduction of mandatory timescales, with many Local Plans in England following a very similar preparation trajectory, there will be significant extra pressure on these consultees to respond to a high number of consultations/engagements at the same time. Given that many LAs have found it difficult to secure timely and proportionate consultation engagement from some or all of these consultees under the current Local Plan system (in part due to significant budget cuts in recent years to some of these bodies), the Council considers it inevitable that at least some of these consultees will need a major boost in resourcing to be able to meet this need, as well as ensuring that they have a full understanding of the planning system and their role within this. There are other consultees who charge for their time, and moving funds around the public sector/quasi-public sector in this way is not considered to be the most effective way of providing an effective and integrated planning system.

The provision of timely and beneficial information from such consultees is very often dependent on the individual contact, and therefore the role of these organisations in the planning system needs to be enshrined within the organisation from the top down.

*Frequency of changes to planning legislation/policy/guidance (and related legislation/policy/guidance)*

For very many years, the planning system has been bedevilled by the frequency of changes to legislation, policy (NPPF and ministerial statements) and guidance (PPG and similar). In particular, changes to the Planning Practice Guidance are introduced in a seemingly ad hoc manner often with no prior consultation or alert (and very often the notification system does not properly function) meaning the planning authorities are on the back foot in terms of being able to respond appropriately in progressing their Local Plans. The regularity and significance of these changes – no matter however well-intentioned they may be individually – is a major contributory factor to delays in Local Plan production, as LAs have to take account of them immediately (in almost all cases), causing the need to take time to reflect and (in some cases) the need to collect new evidence or information. In other cases,

the knowledge that significant changes/new legislation will be coming, but with no clear timescale from Government as to precisely when (and little knowledge of precisely what it will say, and whether there will be any transitional arrangements), can be very difficult to deal with and encourage delays in plan-making (as LAs do not want to do abortive and possibly expensive work).

Changes to Building Regulations (also under MHCLG) is another area where modifications may have implications for planning (changes caused by Grenfell disaster considerations, for example). On this point, there is scope for the Building Regulations to be the appropriate mechanism for certain matters that have become part of the planning system and which require time to evidence and to be considered through the Examination process, such as accessible and adaptable dwellings and space standards. Shifting such matters back to the Building Regulations will help to provide a consistent approach across the country and contribute to shortening the time taken to produce Local Plans.

Relevant legislative/policy/ guidance changes regularly emerges from other arms of Government too – for example, DEFRA (on flood risk, coastal erosion etc), DCMS (broadband and mobile telephony), DfT (transport, highways and airports), DfH (NHS, hospitals etc) and, of course, HM Treasury.

Whilst it is not realistic to expect no new relevant legislation, policy or guidance to come out for a period of years, it has to be understood that for LAs to be able to prepare Local Plans to a strict timetable, these changes must be kept to an absolute bare minimum and programmed into a publicly viewable timetable in order that local authorities and consultees / stakeholders know what to expect and when. Naturally there may be instances where guidance needs to be changed at short notice, however this should be the exception rather than the norm. What would be far preferable, however, and the only way in which a 30 month timetable could possibly be achieved, would be the ability to “freeze” the situation from the official start of the Plan preparation period, such that no new legislation, policy and guidance after this point would need to be taken into account. This would give the best chance of being able to hold to the timetable. If this does not happen, then LAs will be faced with an unappealing choice: i) delay plan-making to take account of the change(s) and risk potential MHCLG sanctions or ii) carrying on with the Local Plan and risk it being found unsound and/or subject to potential legal challenges.

#### *Planning Inspectorate resources*

Just as for many key consultees, the potential production of a large number of Local Plans in England to a very similar timeframe will put a huge strain on the Planning Inspectorate’s resources. PINS will need a major boost to resources to be able to have enough trained and experienced inspectors to manage the demand, alongside continuing to meet the challenging demands to service planning appeals.

#### *Local authority planning resources and skills*

The White Paper recognises that a boost to LA plan-making resources will be necessary – and this will need to be ring-fenced. What is also needed is resources to increase the design

skills of planners – whilst some have them, for many policy planners, design is not an area where they have particularly good knowledge and experience. With the focus on digital tools forming a key part in plan-making, it will also be essential for local authorities to be well resourced at the technical level, in terms of both skills and experience but also up-to-the-minute technology.

### Stage 1 – “Calls for sites/areas” – 6 months

Whilst this seems on the face of it a lengthy period of time to undertake the “call”, in reality it is not. If the Council’s housing requirement (set through the national approach) is already known, this would be a useful starting point (although it is unclear what would happen if a new constraint emerged that restricted the delivery of those housing numbers). However, there are also other development types that need to be planned for – employment land, retail land, community facilities etc. Without an understanding of the level of these other “needs”, it will not be possible to properly understand the amount of land that will need to be allocated for these uses (and also *where* those allocations should/could be), nor engage properly with the public (and other stakeholders) on these vital matters.

It is possible to overlap the gathering of evidence on needs and the ‘call for sites’ process – the latter being broad enough that consideration can then be given to submissions in light of evidence of needs as this emerges. It is the analysis and bringing together of the two sets of information that requires proper consideration and time. However, in order to make the most of the ‘call for sites’ process it would be advantageous to have undertaken some assessment of needs, particularly with a new system which will be less familiar to landowners and developers.

This strongly implies that some of the evidence-gathering work would need to commence before the formal “start” of the process, and this needs to be recognised. This is particularly so when considering those proposing land for development (especially as landowner/developer) – the greater the amount of information that can be provided to support proposed allocations/designations, the easier the councils’ task will be to assess and consult on the details.

### Stage 2 – Drawing up the Local Plan – 12 months

For some of the reasons detailed above, this period is also likely to be challenging to adhere to. Repeating some of the Council’s other comments in this White Paper response, there would need to be major streamlining of the evidence base requirements (and testing) and consideration of alternatives. However, even then, unexpected evidence may arise when more detailed site appraisal is being undertaken, the more so that some allocations will need a higher level of analysis and work to justify any outline planning permission grant (for those which that would be appropriate for).

An important element missing here is provision for consultation prior to submission. Notwithstanding the resource implications for the Planning Inspectorate of having to deal with representations which could have been addressed by the Council, the production of a

Local Plan is guided by political decisions and Councils should be given the opportunity to receive, consider and address, where appropriate, comments submitted on their draft Plan before it is Examined by the Planning Inspectorate. Public consultation on a draft Plan, if undertaken properly, is a positive part of the preparation of a Plan, where an authority can really engage with those who live in and work in the area and will be affected by the proposals. Often it is not until a proposal is set out in a draft Plan that the true views on that proposal are able to be fully understood and assessed, by the public, developers/landowners and also statutory consultees (such as Natural England).

### Stage 3 – Submission and consultation – 6 weeks

This stage ought to be easier to achieve (if it comes in as proposed). Related to the comments above, the most significant difficulty is likely to be publicising the plans for ‘best in class’ public involvement. At this stage, the Plan will have been submitted for examination, and as the Council will not be able to agree any further changes at that point, persuading people that their comments will be able to be taken into account appropriately will not be as easy at Stage 1. This is particularly important bearing in mind the proposed word limit for responses. The matter would probably be less of an issue if there was an earlier opportunity or public comment on the draft Local Plan before it was submitted.

### Stage 4 – Examination – 9 months

This timescale should be achievable, subject to the necessary Planning Inspectorate resources (administrative staff as well as qualified inspectors). The Council would support removing the automatic “right to be heard” (paragraph 2.53), as many representors simply re-iterate the same points they already made in their written representations to the Local Plan consultation and/or Inspector’s questions. However, this would not be without risk – allowing people to “have their say” at the Hearing arguably plays an important role in engendering public confidence in the transparency of the examination process.

The Council would strongly suggest that each Local Plan should be examined jointly by two inspectors. Whilst this would appear to add cost, in reality they could (as now, where there are two inspectors) divide up topics of the Plan between them but more importantly add robustness in case one Inspector falls ill or similar – a mercifully rare but far from unheard of situation.

Without a Main Modifications process, it is also unclear how the Inspector(s) could appropriately deal with sensible changes to the submitted Local Plan that he/she identifies through the examination process and engender public confidence – such changes might be significant (such as perhaps allocating an additional large site). Whilst this will have benefits in terms of time, this may compound any feelings of consultees of not properly being engaged in the process.

### Stage 5 – Adoption – 6 weeks

All councils seek to progress as rapidly as possible to adopt their Local Plan once a “sound” Inspector’s report has been received. One of the factors that can delay this, however, is the timing of Full Council meetings to formally agree the adoption – for most authorities, these

meetings only take place about every two months. Special meetings can sometimes be agreed, but not always (for a variety of reasons) and so some flexibility may be necessary here. It may be prudent to adjust the NPPF to say that on receipt of a “sound” Inspector’s report that very significant – virtually full – weight could be given to the Local Plan.

The Council would not support removing the Examination stage entirely (paragraph 2.54). There is too much danger that the view amongst some consultees would be that councils would be “marking their own homework” (on a controversial matter) and there would be an elevated risk of legal challenges as a result.

### Conclusion

Whilst the Council would welcome measures to reduce the time to prepare Local Plans and reduce the adversarial nature of their preparation and examination, a fixed (and univariable) timescale is too vulnerable to unexpected eventualities (such as new legislation/Government requirements), and it seems the main casualty of the fixed timetable is the reduced opportunity for public consultation.

A more sensible approach would be for a council to arrange a meeting with the Planning Inspectorate at the very start of the process, to highlight the main likely issues and the potential difficulties that could arise in dealing with these issues. A timetable for Plan preparation – with appropriate supportive Inspectorate resources – could then be agreed, with reasonable adjustments being made in agreement between the Council and the Inspector(s). This timetable could be published and kept up to date, with reasons given for any slippage, to ensure that both parties are accountable. Where there is some slippage, the Council could discuss with the Inspector potential ways of making up time (if this is practicable) later in the process, but some flexibility to timelines will be necessary, and LAs should not be ‘punished’ for events which may be outside their control and/or not foreseeable. Where changes to legislation or guidance are made, these should be accompanied with a reasonable ‘slippage allowance’ for Local Plans currently under preparation – enabling authorities to adjust their timetables without being ‘punished’ for this.

### **Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

*13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

Neighbourhood plans give local communities a voice in the current planning system and many community groups have invested years of their time in developing them. Due to the extent of community engagement and the referendum, neighbourhood planning is the most democratic layer of planning. Neighbourhood plans should therefore be retained to meet the White Paper’s aim of giving communities an early and meaningful say. There are

concerns about neighbourhood plans being diluted as a result of a zoning system and heavy emphasis on design codes. A new planning system should provide attractive reasons for communities to develop their own plan.

Neighbourhood plans can be a valuable source of land allocated for housing (or growth) to help deliver the community's vision and therefore they should be taken forward to maintain this role. In delivering a community's vision it is important that the needs and aspirations are reflected in the detail of any site allocation (or growth area) and that a new system can capture 'how' a development will happen. Therefore neighbourhood plans should be able to influence the sub-areas within *Growth* and *Renewal* areas.

Many neighbourhood plans like to create 'development management' type policies which give them control over how development will take place, according to local circumstances. These might relate to change of use or infill development, for example, which might take place on small, individual sites which will be difficult to differentiate in a zoning system. It is therefore recommended that the proposal for 'development management' policies to be set at a national scale allows for neighbourhood plans to alter or adjust these policies at a local level where justified by evidence. Many neighbourhood plan policies are highly nuanced and accordingly communities should be able to retain a degree of control and discretion.

Some neighbourhood plans concentrate on design of new development and it is expected these would be happy to have input into a design code. However, this is not always appropriate or proportionate - for instance where a Parish is very rural and expecting to accommodate little growth. Those groups that develop a design guide for their area should be provided with appropriate technical support (similar to what can be accessed now in certain circumstances), but groups should also be allowed to plan beyond a design code and a zoning system (see also paragraph above). If outline planning permission is given via a *Growth* area then a neighbourhood plan should be able to influence the reserved matters. A design guide would be a good way of doing this, but communities should be able to have a say on matters beyond design. Either by incorporating 'Development Management' style matters into a design guide or allowing neighbourhood plans to influence nationalised Development Management policies.

The White Paper says very little about how neighbourhood plans might work in a new planning system but it will be extremely important to be very clear with communities how their neighbourhood plan will relate to both national and local policy.

Neighbourhood planning support takes up considerable resource from a Local Planning Authority. Community groups will require significant support in the transition to a new planning system and this additional demand on Local Planning Authority resources should be an important consideration.

*13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?*

The use of digital tools is supported, but communities will need support to be able to deliver on this. Some neighbourhood planning groups have very little ability and experience in technical skills. As a Local Planning Authorities we already provide some support in this domain but we have limited resources to do so. For the groups that do possess good technical skills, licences could be granted to allow them to use certain software packages. Another alternative is to provide support via consultants, but to provide satisfactory support this should deliver continuous support for neighbourhood planning groups rather than relying on short-term assistance.

Potentially a template and a platform for online content could be provided. This would assist with standardisation of both local and neighbourhood plans and reduce (to a degree) the amount of work communities would have to do themselves.

## **SPEEDING UP THE DELIVERY OF DEVELOPMENT**

### **Proposal 10: A stronger emphasis on build out through planning**

*14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

A significant problem is that even when local authorities grant planning permission for housing 'there is a large gap between permissions granted and new homes built. This was acknowledged in the MHCLG's Fixing our broken housing market (2017) (page 13) which found that more than a third of new homes that were granted planning permission between 2010/11 and 2015/16 had not yet been built in 2017.'

It is generally acknowledged that small and medium greenfield sites have faster build out rates than large sites. However, small and medium sites alone are unable to deliver the quantity of houses required. Small and medium site are also unable to accommodate onsite infrastructure, such as new schools, sports facilities, community facilities and open space, which are need to support increased housing numbers.

Large sites are currently dominated by major, volume housebuilders. Research by Sir Oliver Letwin's Independent Review of Build Out: Final Report (2018) into large sites of over 1,000 units found the median build out period is 15.5 years at a rate of 6.5% of the site a year. There is also a negative relationship between the size of site and percentage built out each year. The Letwin report's review of large sites found the 'homogeneity of the types and tenures of the homes on offer on these sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out.'

Sir Oliver Letwin's Independent Review of Build Out: Final Report (2018) recommends in the long term new planning rules and the establishment of a National Expert Committee. The

report recommends, in the short term, incentives to diversity large sites that are located in areas of high demand, and securing improvements through Section 106 agreements. Recommendations for local planning authorities with high housing demand include the power to create master plans and design codes to promote diversity and good design, and statutory powers to create/allocate, purchase and control the development of large sites through a Local Development Company.

Any increased emphasis on the build out rates of developments would need to be accompanied by new primary legislation that gives local authorities the power to affect development. East Suffolk Council would welcome new statutory powers to create master plans and design codes to promote diversity and good design on larger sites and to create/allocate, purchase and control the development of medium and large sites.

## **Pillar Two – Planning for beautiful and sustainable places**

*15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]*

Other.

This answer is impossible to define against the limited options provided. There will always be examples of good and bad design and the standard remains in the eye of the beholder. As a Council we strive for good design and beauty and recent decision making has been strong in this respect, in particular with appeal decisions addressing poor design. Some examples of poorer quality design in recent years have provided an opportunity for reflection and to understand where opportunities were missed. We do celebrate good design and we have an annual Quality of Place Awards recognising the best of Design in East Suffolk from a variety of developments of varying scale and form. These are the developments which we should benchmark against and we do.

We have been able to secure high quality design on many developments thanks to the time and investment we have made into a strong internal design team. Good design requires experienced officers to lead on design and ongoing training and development of all officers.

We also believe that the terminology of 'beauty' in respect of the design of development is misleading. It implies that it is about beautiful buildings and spaces but much of what makes good design is not about aesthetics but also about functions and performance. Beautiful also leans more towards a traditional/vernacular style of design but in delivering new developments fit for the 21<sup>st</sup> century and beyond, we should be designing in contemporary ways. This does not always come across as 'beautiful' but that does not mean it is not high quality or outstanding design.

*16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]*

Other.

As per the last question, this is so difficult for a LPA to define as one single priority. We have spent the past 8 years working to the NPPF definition of sustainable development having three intertwined and essential elements, environment, economy and social. This question seeks a view on sustainability predominantly in environmental terms, which is clearly a priority for all LPAs, however the answer required is much further reaching. The social and economic considerations of sustainability are also incredibly high on the agenda of many communities currently and the best environmental outcomes rely on those other considerations. We need to create healthy, green, viable and socially interactive developments and communities and this will need a broader vision to achieve the most sustainable outcomes.

It also needs to be realised that planning is just one influence on achieving sustainability. It is an important and early one but there are limitations that it has. Currently we need to establish better interaction between planning and building regulations to inform how energy efficient buildings are planned and the financing of development needs to be reviewed in how to best value economic, environmental, and social outputs.

Whilst delivery of new greenspace is an important part of delivering sustainable development, the location and quality of the space delivered and its long term management are equally (if not more) important. The assumption that the delivery of a greater amount of space is automatically best can be misleading when in some instances smaller, better designed, located and maintained sites might be more appropriate in the long term.

## **CREATING FRAMEWORKS FOR QUALITY**

**Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

*17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

However, the thrust and aspiration is highly commendable but in practice this approach requires a substantial re-evaluation of how this process could be resourced and presently the White Paper does not provide confidence that this is being prioritised amongst the radical ideas. East Suffolk are not averse to Design Codes and their role in changing the stages of design in our District. However, rigidly describing this approach as being one of Design 'Codes' may not be appropriate. In East Suffolk we are already working in this way,

not through codes but through Development Briefs. We have recently consulted on a template brief for use on our allocated sites. The purpose of these will be to enable earlier and more joined up consideration of allocation and other policy affecting a site and also to provide a much clearer understanding of the opportunities and constraints of sites which will inform our principles for its design. We are primarily aiming the use of these briefs at sites which are not yet coming forward, allowing future applicants and developers to be well informed through a proactive LPA led approach to design. These will be adopted by the Council as a Supplementary Planning Document.

This approach would not work where a developer is already seeking to bring a site forward and when they have already developed designs before approaching the Council. In our experience such proposals at first appear immutable so greater national policy weight to enable codes/guides/briefs to be developed first would be welcomed, therefore requiring this necessary opportunity for good design to be reached collaboratively. Unfortunately, at present, our Development Brief approach may be seen as a barrier or additional process to go through rather than the design enabler it is intended to be.

Ultimately the biggest question for an increased national focus on Design codes/guides is a matter of resourcing and time. Just because Design Codes could be used alongside Local Plans (allowing a streamlined application process) it does not mean a faster consenting journey. It is just a shifting of design considerations in the timeline of a site. The earlier stages of that timeline will become incredibly resource hungry. For Councils like ourselves, who have recently adopted two Local Plans in two years, the need to develop Design Codes at the same time or shortly after, whilst also proactively working to deliver homes would be impossible. Therefore, major investment in the resourcing of planning departments and the training and education of planning graduates with greater design skills is required. A focus would be required on how so many LPAs could produce so much design guidance and coding without having to rely upon external consultancies who would not provide such a convincing local grasp of what would be required for our local context and communities. It may be possible to pool resources across LPAs with dedicated design teams but it is also important not to segregate design work as being something for the specialists, all planners need to be enabled to have confidence in design decision making and negotiation.

If design codes are to be binding as part of local plans, LPAs will need to undertake a significant amount of detailed design work at the plan making stage. This may not be possible within the proposed statutory 30 month plan making timeframe, particularly if such codes are to be supported by 'best in class' public engagement.

With an overemphasis on design codes and guides there is also the possibility of creating a rigid design process and one which breeds selective, conservative and uniform outcomes. Some sites require a strong individual vision and freedom to be designed without prescribed codes. There is a risk that rigid design coding could stymie high quality contemporary design or more sustainable designs.

In addition, the focus on beauty restricts design quality to simply that which can be seen, thereby relegating the importance of function and performance. Compounding this is the

added emphasis on ‘what is provably popular’, which has the potential to restrict architectural innovation. There are plenty of examples of poor quality pastiche developments, and maybe these pastiche developments pass the beauty and provably popular test. Clearly however, this is not what we should be striving for. We want beauty, but we don’t want poor quality ‘beauty’. Focussing narrowly on beauty creates a perception that what matters is what a development looks like. We should instead focus on design quality.

It is important to recognise that innovative architecture is not always popular at first, but can become incredibly popular over time. Some of our most treasured buildings and spaces were when built very unpopular. Do people want to live in a world where what exists must be repeated or would they prefer to live in a world where innovation that respects its context is encouraged?

Consideration needs to be given to Neighbourhood Plans which produce their own design guide/code(s) and how these may interact with Local Design guides and codes for a whole district or wider area. Should the neighbourhood versions take prominence and supersede others or as with policy, would a Neighbourhood Plan version be required to conform with the District version?

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

This sounds similar to the Commission for Architecture and Built Environment (CABE) which when lost was a significant step backwards for design and planning. It is to be applauded that the Government is now recognising the value of good design and following through with some significant recent actions. An overseeing body is essential to join all of this together and avoid a piecemeal approach. While we are of course in favour of gaining the support of local communities through expansive and effective community engagement, the quality of design codes should not rest on whether they are ‘provably locally-popular’. This has potential to restrict innovative design solutions. It is possible that a high quality design code may be unpopular and indeed that a low quality design code may be popular. We would therefore encourage greater emphasis to be placed on the quality of design codes rather than their popularity.

Yes to each authority having a chief design officer. It is not clear whether this is a standalone role which may sit alongside the Chief Planner or underneath the Chief Planner. The latter appears to be more obvious and it would be one way of giving elevated importance to existing roles of design officers and urban design officers.

**Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.**

*19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

At present this would only appear to be of relevance to sites with Homes England investment. It is certainly right that any site involving Homes England should be expected to achieve a very high standard of design to justify the public funding. For sites where Homes England do not have involvement it would be beneficial to see how better design standards could be used as an incentive to achieve Homes England funding after the planning process.

## **A FAST-TRACK FOR BEAUTY**

**Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

*20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

We cannot stress enough that beauty/good design and fast-tracking do not sit comfortably with each other. Good design takes time and whilst a consenting process may be faster the actual process to establish what beauty/good design is, to guide or code that and apply it is a considerably long process. The unintended consequence of this approach, particularly without substantial resourcing Local Authorities, may in fact delay delivery and place greater risk of unplanned, poorly designed schemes coming forward.

In respect of updating the NPPF. There is clearly an advantage to having additional policy weight through the NPPF on the importance of compliance to design guides/codes. However considerable care does need to be taken that a form of tilted balance is given to such compliance and that compliances in respect of design does only form one part of considerations, particularly on larger schemes. It would be better to use the NPPF to remove any design uncertainty or disagreement where compliance with a guide/code is achieved.

Obviously in many cases such compliance remains subjective anyway and it would also be reinforced for development plan policy.

In respect of proposals for Growth Areas and the plan requirement for a masterplan/site specific code as part of the permission in principle allocation – these don't particularly change the existing situation with our current up-to-date local plans. All of our strategic sites have a masterplanning requirement as part of the policy. As per our answer to question 17, this does not reduce the requirements placed on developers or reduce the time taken to achieve a full permission, it just partly shifts timeframes. The consequence of establishing a permission in principle in advance of a masterplan could be quite significant, particularly where parallel masterplanning is necessary to inform some critical matters of principal such as the mitigation requirements and on site infrastructure expectations which may be a fundamental part of the masterplan design.

On the third point – the suggestions of permitted development through the use of pattern books is not clearly described. If this may involve new build development through pattern book standard house types, then it is not clear how such patterns will address necessary considerations outside of that building pattern. Who would sign off the approved pattern book – a nationally agreed approach or would it be down to a local level. This proposal appears to be framed around modular construction (MMC) as it is logical that this approach to housing delivery will only produce a limited range of house types. In principle there may be locations where this would be an appropriate approach but we disagree that this should be done through permitted development rights and that it could apply to all Renewal Areas.

## **EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT**

**Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

*No question, but some comments below:*

Considerations to mitigate and adapt to climate change, sustainable design, sustainable construction, and environmental issues need to be interwoven into all planning policies and not solely be standalone policies. The environmental benefits are best realised when the issues are considered at the beginning of the design process. Maximising environmental benefits should therefore be given equal consideration and importance as the creation of beautiful buildings. Planning reforms should consider:

- The orientation of buildings to maximise daylight and passive solar gain;
- Integrated renewable energy solutions (e.g. solar panels incorporated into the design and orientation of buildings rather than stuck onto walls and roofs as later addition);

- The inclusion of sustainable drainage systems including attenuation ponds, drainage ditches, reed beds, and planting. The design of sustainable drainage systems and the associated landscaping issues should be addressed through the planning system and be explicitly supported in any new planning reforms;
- Access to the countryside, green spaces, and footpath and cycle paths;
- Access to public transport; and
- Access to service and facilities (shops, schools, doctors etc)

The sourcing and production of building materials, the transportation of building materials and the construction of buildings is an energy intensive process. Any future planning reforms should explicitly require developers to build buildings that are of sufficient quality that they will last a substantial length of time. Poor quality buildings risk becoming the slums of the future that will need to be demolished and rebuilt or retrofitted, at great financial expense and impact to the environment.

To ensure buildings last a significant length of time they should have minimum internal space standards, minimum external space standards (both for private and shared gardens), external windows to provide minimum requirements for natural light and ventilation, be designed to adapt to meet changing needs, particularly of an aging population, and be designed to meet changes in work patterns. (e.g. new homes should have staircases that are suitable for installing stairlifts. Ground floor and first floor cupboards can be located above each other and be designed to accommodate a future lift shaft. Doorways can be installed wide enough to accommodate wheelchairs. Downstairs WCs should be made large enough to accommodate those with mobility problems and a carer providing assistance. Plumbing can be laid to assist in the future conversion of ground floor rooms to en suite bedrooms to help the disabled or elderly. Hallways and landings should be wide enough for wheelchairs. Space to incorporate home offices to reduce the need for travel (obviously particularly relevant now, but this may well become a more permanent shift in working patterns). Provision for electric vehicle charging points for developments with on-site parking spaces could be required through Building Regulations.

All new standards should be applied to new buildings and the conversion of existing buildings regardless of whether development receives consent through planning application or permitted development.

The recently announced changes to require new homes being created through the exercise of permitted development rights (especially from former offices) to have “adequate” natural light and meet with national minimum space standards are welcome (if well overdue). However, some will still have poor ventilation and a poor outlook and many conversions are located on industrial or business estates with no easy access to public transport, shops, schools, doctors, green space and foot/cycle paths. Unless homes created through permitted development are subject to the same standards as those permitted through planning applications, a tiered system will continue to exist. All buildings should be

well designed and contribute towards mitigating and adapting to climate change and maximising environmental benefits.

Any changes to the NPPF in relation to this need to support the delivery of the Local Nature Recovery Strategies which will be required as part of the Environment Act.

**Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

*No question posed, but some comments below:*

Speeding up the environmental assessment process and decision making process should not be at the expense of good quality assessment. Survey requirements for many habitats and species are seasonal and in many cases it is important to understand the seasonal use of areas by species to fully understand the impact of new development. Whilst better understanding of environmental assessment requirements upfront may help speed up development assessment in some cases, seasonal constraints cannot be ignored. It is also unclear how this will match with existing legislation which protects sites and species, whilst a quicker assessment process may be desirable this must accord with existing legal requirements.

Any consolidation of requirements should also not result in the loss of subtlety between the different types of environmental assessment (e.g. the differences between SEA, SA, EIA and HRA). Many of these assessments are highly technical and there is a risk that oversimplification will result in a loss of quality and ultimately adverse environmental impacts. Furthermore, the requirements of many of these assessments are seasonal in order to fully understand the impact of new development on habitats and species. Any streamlined system will need to recognise and accommodate these seasonal constraints.

Any alternative assessment system will also need to address the requirements of other existing legislation which protects sites and species. This should include all existing environmental protections including local designations such as locally designated wildlife sites which only receive protection through the planning system. It is essential that any new system ensures that these sites receive adequate protection from development impacts.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century**

*No question posed but this is to be supported.*

**Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

*No question, but some comments below:*

Energy efficiency should not just be about the amount of energy it takes to run a building. It should encompass types of construction, levels of insulation, methods of heating and cooling, the type and source of materials etc.

Energy efficiency standards need to be addressed through Building Regulations to prevent them being subject to financial viability testing, that would result in varying standards within a local authority area. If energy efficiency were subject to viability testing it is likely that the poorest areas would suffer the most and see buildings constructed to lower standards.

Energy efficiency, the quality of building construction and the subsequent cost of running a building (energy/utility bills) should not vary across the country as everyone should have access to homes built to the same high standard. This is critical in ensuring that housing contributes to the Government's commitment to the country being carbon neutral by 2050.

Energy efficiency standards, particularly in terms of insulation levels, ventilation standards and heating systems, need to be addressed through Building Regulations, not reforms to the planning system, to ensure they are a national standard and not potentially varying across local authority areas.

Unlike most planning officers, Building Control officers have the training and expertise to assess applications that include energy efficiency information and to monitor, during on-site construction visits, the implementation of new energy efficiency standards.

The planning system should support the use of materials with lower embodied energy and challenge the use of traditional materials such as brick-and-block walls and concrete floors. This would require the embodied energy of materials to be considered and given weight in planning decisions alongside the aesthetic appearance of materials, the matching to existing materials used in the area and the impact of materials on the character of an area.

In addition to creating beautiful buildings, the energy efficiency of the design of a building should be given weight in planning decisions. There needs to be greater acceptance of non-traditional designs which are highly energy-efficient or designed to meet current needs and adapt to future needs. There needs to be greater consideration of how size, scale, and portions of modern designed buildings can be used to enable them to respond to local context and existing traditional buildings.

The planning system should require integrated renewable energy solutions (e.g. solar panels incorporated into the design and orientation of buildings rather than stuck onto the roof years later).

It is noted that the White Paper does not mention water conservation, improved water efficiency within buildings, or sustainable drainage systems. Water as well as energy should be addressed in light of climate change issues. Improved water efficiency within buildings should be addressed by Building Regulations.

## **Pillar Three – Planning for infrastructure and connected places**

*22. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]*

Other.

All (as appropriate and relevant to the scale of development) are necessary or desirable and cannot (and should not) be prioritised over each other in a general sense, particularly on a district-wide basis.

## **A CONSOLIDATED INFRASTRUCTURE LEVY**

**Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

*23(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure.

The approach of having a single Infrastructure Levy appears, at first blush, attractive, simplifying a complicated system of local CIL Charging Schedules (where in existence) and S106 planning obligations. However, adding in affordable housing would add considerable complexity and difficulties (discussed in response to Q25 below). The proposed introduction of a single rate for the Infrastructure Levy is also problematic (discussed in response to Question 23b).

In addition, S106 legal agreements are also a mechanism for securing the details of e.g. the timing and phasing for the delivery of certain land and/or infrastructure. In addition, some districts secure payments for Habitats Regulations monitoring and mitigation using the powers under S106 of the 1990 Act. There would still need to be some kind of legal mechanism to enable these important details to be agreed between the LPA and the applicant/developer.

*23(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]*

Locally.

A single rate would not work well, either nationally or (in many cases) at a local level.

At a national level, there are enormous differences in the value of land – contrast, say, Westminster and Kensington (in London) with parts of Blackpool and Teesside. The suggested approach of having a value-based minimum threshold below which the levy would not be charged would affect many lower-value council areas, especially away from parts of London and the South East. Quite a few sites in these areas – especially brownfield sites – are not viable now. Unless the levy was set at a very low rate (which is not the aim of the White Paper proposals), very large areas of land could potentially fall below the threshold, and make little or contribution to infrastructure and/or affordable housing.

The White Paper is silent on how lower-value/viability areas would be able to make up the difference in ‘lost’ infrastructure and affordable housing funding. One option could potentially be a national system of re-distributing some funding from higher-value areas, but this would be enormously unpopular in those areas and also potentially unfair to them (if the full amount of their Levy income would be needed to deliver infrastructure). In any case, even higher-value areas can struggle to afford (in a timely way) to deliver necessary infrastructure. Another option could be direct Government funding. Not dealing with this issue would not be acceptable; otherwise, lower-value areas could see even less money to deliver needed infrastructure and affordable housing.

At a local level, there can be big differences in values even within a single district. For example, in East Suffolk, Southwold is a town with very high land and property prices; it is in the highest CIL charging zone (£224 per m<sup>2</sup>) for Waveney (one of the two districts that merged to form East Suffolk district in 2019). Yet Lowestoft, only about 14 miles away, has much lower land values – indeed, parts of central Lowestoft area have such poor viability that it is zero-rated for CIL; other parts of inner Lowestoft have a rate of only £67 per m<sup>2</sup> and the rest of Lowestoft has a rate of £89 per m<sup>2</sup>.

A nationally-set area rate would need to understand the unintended consequences if set too high/low and would need to have early review to understand impacts. Consistent approaches would need to be adopted for example how much of a “buffer” should be allowed (for changing circumstances). Even a single local levy rate could therefore be problematic; not securing as much as achievable under the current CIL system from high-value area, whilst reducing (perhaps to zero) the amount of levy (and affordable housing) which could be raised from some lower-value areas.

The only sensible solution – if indeed the Infrastructure Levy was to be brought in – would be to allow rates to be set locally, with different rates within the district (as appropriate),

unless the Government would be prepared to recharge income potentially “lost” in having a rate (or rates) that was/were not locally-specific and appropriate.

*23(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

More value.

For too long there has been a funding gap for infrastructure and the importance of local green spaces, community buildings, good road/rail infrastructure, footpaths and cycle routes, public transport links, etc cannot be underestimated in their value in building “place”. If good infrastructure is not available in the vicinity, people travel or move to where it is. The right approach is to make areas attractive and properly supported with the right infrastructure.

The ability to capture some of the value increase that can accrue from the exercise of permitted development rights (Question 24) would also help in this aim.

In order to better achieve this, however, the taxation of land, development and companies would need to be re-considered, as extra levy (looked at overall at the national level) could reduce profit levels, and potentially hinder/delay certain land coming forward. What could be gained in levy payments could potentially be lost (through reduced company/sole trader taxation payments) to the wider public purse.

Tax avoidance measures (including for the Infrastructure Levy) would also need to be put in place to avoid “gaming” of the system. The potential sanction for non-payment at the point of occupation (paragraph 4.9) would clearly be necessary, but so would measures to prevent development companies (which are often set up specifically for individual developments) being artificially put into administration/wound up just before the Levy payment threshold is reached, and a ‘phoenix’ company then rising from the ashes to complete the development, but potentially shorn of its Levy liabilities. Parental company guarantees and/or bonds may be necessary to provide Local Authorities with the confidence that, if the development company went into liquidation before completing the properties, the local taxpayer would not be left to pick up the cost of ‘lost’ Levy income.

*23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, but with caveats.

Some authorities already have the ability to borrow against future CIL income, so this would not be a novel arrangement. However, to reduce the risk this should only be where the level

of development has (or will shortly) commence(d) that requires the need for significant infrastructure to be delivered on the same trajectory as the new housing or where this would provide new infrastructure in a better location, thereby facilitating and freeing up a site for development for affordable housing. The argument that forward-funding of infrastructure by LAs will help speed up the delivery of development has some attraction, but due to widely varying circumstances (viability, how critical certain pieces of infrastructure are, who controls the development land etc) this will not always work as intended. In particular, if the local housing market is not strong, housebuilders are most unlikely to build on spec, even if some infrastructure has been forward-delivered – they will build only at a rate they are confident they can sell.

As mentioned in the answer to Question 23 (d) above, there is also a risk that some sites may stop part way through delivery and it would be important to ensure consistent and full delivery of a site and thus payment of the Levy.

Paragraph 4.13 says (rightly) that local authorities should assure themselves that any borrowing is affordable and suitable. It would be necessary to ensure that there are appropriate safeguards in place to prevent ‘gaming’ of the system by some developers (see also the answer to Q 23 c) above). In addition, however, the forward-funding of infrastructure can (obviously) be extremely expensive (easily tens or hundreds of millions for larger council areas with large developments). LAs have suffered a significant financial ‘hit’ from the Covid-19 crisis, and with a lack of long-term certainty about matters like LA funding and 100% Business Rates retention (and re-valuation), and it is very likely that many councils will be extremely cautious about borrowing significant further sums. Any such borrowing should be from the Public Works Loan Board, at the lowest possible rate.

**Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights**

*24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

This is sensible, and would help to raise additional income, but at the moment ‘existing use’ credits would prevent any Levy being raised, so this would need to be changed.

Whilst the Council is supportive of self-build and custom-build developments, once again it is important to state that the CIL (and proposed Levy) exemption results in a significant loss of income for councils across England. The builders/occupiers of self-build and custom-build homes generate the same infrastructure broad requirements as those in ‘standard’ homes (education, highways, open space, sports facilities, street lighting etc). As an example, East Suffolk Council (and the parish councils which are entitled to 15% or 25% share of CIL) has ‘lost’ a total of £932,000 in the six months from 1 April (from 56 self-build claims), compared to an CIL income of about £3.3m during that period. The Council would therefore urge that

self-build should be subject to a level of CIL, even if the application of the full residential rate was thought to be inappropriate (despite the fact that paragraph 4.19 says that the exemption will be maintained).

The administrative burden of self-build exemption should also be re-assessed as there is a lot of work involved in monitoring the compliance with this part of the CIL Regulations, but with no financial income to councils.

**Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision**

*25(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]*

No.

Affordable housing provision has generally been negotiated downwards and there is evidence that supports the need for more provision. The flexibility of the suggested changes would allow affordable housing to be provided in areas where there are existing needs to be met, but where authorities have been unable to allocate s106 to deliver in these areas due to the restrictions within s106 agreements.

*25(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, with some flexibility.

Affordable homes, especially affordable rental products should be integrated with wider market housing schemes to promote inclusion and cohesion (as required by paragraph 62 of the NPPF). Affordable homes being built elsewhere as standalone sites could, without particular care being taken to avoid this, create 'ghettos' with fewer social amenities like play and green space, partly due to the size and location of the schemes. This could be a problem under the Equalities Act 2010 as the homes are more likely to house people from disabled, ethnic minority and single parent families.

However, in some cases (especially for some smaller sites) it may not be appropriate to secure in-kind payments, and so it is important that there is flexibility for councils to reject a developers' offer. As an example, a council might prefer to take the Levy income instead (to help deliver affordable housing elsewhere), if appropriate for a particular scheme.

*25(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]*

Yes – because if the value of the affordable housing is higher than originally projected (which would be caused by factors outside the direct control of the LA, such as competition between Registered Providers driving up the price offered), then it would be unfair for the relevant LA to ‘lose out’.

*25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

In-kind delivery should ensure that affordable homes, especially rental products, are delivered with good space standards, a mix of property types and well-integrated across the development. Design codes should assist to meet high energy efficiency together with green technologies to help mitigate and adapt to climate change.

Build costs should be agreed through a transparent approach to enable LAs to have confidence in developers’ figures.

LAs have access to housing need data and have a better knowledge of the housing and infrastructure needs of their community. As democratically, elected representatives of the community, the LA should be enabled to direct and guide the delivery of affordable housing, including the size, type and number of homes together with their location. Specific policies at national level such ensure that affordable homes, especially rental products are delivered in small clusters of no more than 10 homes and well-integrated throughout the scheme. This will promote social cohesion and households will benefit from the same amenities as households in market housing.

### **Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy**

*26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?*

Yes.

It is important that the infrastructure ‘needs’ identified in the Local Plan and the infrastructure priorities of the Neighbourhood Plans are delivered as a priority. There is not enough CIL to deliver all of the infrastructure required and it is difficult identifying and attracting other funding sources. As the delivery of services evolves utilising technology, more funding may need to be provided for technological improvement or even for practitioners to deliver services via an electronic/internet platform – this is veering into more “revenue” type expenditure and doesn’t meet the traditional definitions of infrastructure as its not buildings or extensions to buildings. Another example here is police or other emergency services vehicles – these are not “infrastructure” in the traditional

sense, but the need to consider safety and security where this is seen as being increased through new development in an area, may occur.

Ability and capacity to deliver community level infrastructure varies from parish to parish. It is noted that there is an absence of consultation questions about the Neighbourhood CIL portion of CIL.

That being said, the Council would have concerns about the potential ability of LAs to spend Levy funding on non-infrastructure funding, such as improving services or reducing council tax. Firstly, it is considered very unlikely that many authorities would be in such a position – infrastructure costs as considerable, constant and rising. However, if there was such a scenario, it could seem extremely unfair that some authorities were able – by virtue of very high land prices – to spend money on non-infrastructure items, whilst other authorities – in lower value areas – were not able to raise even close to their infrastructure requirements from the new Levy.

*26(a). If yes, should an affordable housing ‘ring-fence’ be developed? [Yes / No / Not sure. Please provide supporting statement.]*

Yes.

This would create certainty on funds available to deliver affordable housing, but if quality and quantity could be assured through on-site provision this would be a preferred route.

**Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.**

*No question posed but this is to be supported.*

**Proposal 24: We will seek to strengthen enforcement powers and sanctions**

*No question posed but this is to be supported.*

*Question 27. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?*

Yes.

Housing meets the need for shelter and warmth of all people regardless of lifestyle, health or status. The potential separation of affordable housing from new development would

disproportionately disadvantage disabled people, low income families with children, households with poor or life limiting health issues and families headed by a single parent. In addition, households from ethnic minorities are over-represented in low incomes and cohorts with low skills and/or qualifications. New developments, with a strong emphasis on beauty, quality and amenities, need to be available for households needing affordable rented homes if the policy separates out the two tenures. This will not meet the Government's ambition to 'level up' communities.



**CABINET**

Tuesday 3 November 2020

**REVIEW OF THE LOCAL COUNCIL TAX REDUCTION SCHEME FOR 2021/22**

**EXECUTIVE SUMMARY**

Each year the Council is required to consider whether to review its Local Council Tax Reduction Scheme (LCTRS). This report advises Cabinet of the 2020 annual review and proposes to maintain the current scheme for 2021/22

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	All Wards in East Suffolk
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<b>Cabinet Member:</b>	Councillor Maurice Cook Cabinet Member with responsibility for Resources
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<b>Supporting Officer:</b>	<p>Brian Mew Finance Consultant 01394 444571 <a href="mailto:brian.mew@eastsuffolk.gov.uk">brian.mew@eastsuffolk.gov.uk</a></p> <p>Adrian Mills Benefits and Billing Strategic Manager ARP 01842 756491 <a href="mailto:adrian.mills@angliarevenues.gov.uk">adrian.mills@angliarevenues.gov.uk</a></p>
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## **1 INTRODUCTION**

- 1.1 Councils are required to consider whether to review their LCTRS schemes annually. Where it is determined to retain the existing scheme, this must be decided by 11<sup>th</sup> March of the preceding year.
- 1.2 Where Councils seek to amend their scheme, it is necessary to consult preceptors and stakeholders prior to a wider consultation to inform a final scheme design by 28<sup>th</sup> February of the preceding year.

## **2 CURRENT POSITION**

- 2.1 This is now the eighth year of LCTRS; a locally set scheme that replaced the nationally set Council Tax Benefits (CTB) scheme from April 2013. In 2013/14 a one-off Government grant compensated in part for the reduction in Government funding for the Working Age scheme that year. This meant that the maximum LCTRS awarded was 91.5%. This scheme, adopted by both Suffolk Coastal and Waveney District Councils, has basically been maintained since, and the current East Suffolk LCTRS scheme provides a maximum benefit of 91.5% for working age claimants and the scheme also protects War Pensioners. The aim in designing the scheme was to achieve a balance in charging an amount of Council Tax to encourage customers back into work whilst setting the amount charged at an affordable and recoverable level.
- 2.2 By setting the amount payable at 8.5% of the charge, in most cases, where a customer is not paying, we can affect recovery through attachment to benefit within a year and so the charge with costs is recoverable. If the amount payable was set higher, then it is possible the debt would not be recoverable and possibly create a culture of non-payment of Council Tax.
- 2.3 For 2014/2015 to 2017/18 the original scheme was retained, except that allowances and premiums (the amounts of income from state-administered benefits such as Jobseekers' Allowance) were increased in line with other benefits such as Housing Benefit.
- 2.4 For the 2018/19 scheme there was a consultation on a proposal to harmonise the scheme to DWP welfare reforms introduced for Housing Benefit and LCTRS for Pensioners, and introduce closer links to Universal Credit data share for claims, thereby removing the stipulation to make a separate claim. This was subsequently approved and introduced.
- 2.5 For 2019/20, East Suffolk Council kept the same scheme as its predecessor councils had operated for 2018/19.
- 2.6 For 2020/21 the only change, after consultation, was to introduce a fluctuating earnings rule to the treatment of Universal Credit. A weekly tolerance level of £15 (£65 monthly) was introduced to reduce the number of monthly reassessments impacting customers every time a revised Universal Credit notification is received.

## **3 SCHEME REVIEW**

- 3.1 Early results demonstrate that the fluctuating earnings rule introduced in April 2020 is meeting modelling forecasts by reducing customer reassessments by a third.
- 3.2 UC is designed to be paid monthly, calculated on the customer's circumstances, including Real Time Information (RTI) earnings data from HMRC. Given that customer's circumstances, especially earnings, fluctuate, this leads to monthly revised UC awards sent to the Council by the DWP.
- 3.3 Council Tax Support scheme rules had required the Council to revise awards when a customer's Universal Credit changes, leading to reassessment of Council Tax Support. In turn this meant customers received a revised Council Tax bill for the balance due for the year and

had to amend their payment arrangements, typically direct debit instructions. Increasingly, this became a monthly occurrence for customers.

- 3.4 The introduction of a fluctuating earnings rules and the links established to UC data share and removing the requirement for customers to make a separate claim application, have been particularly beneficial for customers during the pandemic this year, given the significant increase in workload.

#### **4 COUNCIL TAX HARDSHIP FUND**

- 4.1 The Government has allocated £500m to authorities to administer a Council Tax Hardship Fund. ESC's allocation of this is £1.917m, and this was received on 3<sup>rd</sup> April 2020. This funding is used to reduce the council tax liability of working age Local Council Tax Reduction Scheme (LCTRS) claimants by a maximum of £150. Where a taxpayer's liability for 2020/21 is, following the application of council tax support, less than £150, then their liability is reduced to nil. Although linked to LCTRS, these reductions to council tax do not form part of the LCTRS and the cost of this scheme will be transferred from the Collection Fund to General Fund at the end of the financial year
- 4.2 As at 30<sup>th</sup> September 2020, 11,916 working-age LCTRS recipients have been re-billed with a hardship fund discount applied to their council tax liability, and the Council has applied around 69% of its funding allocation. Any funding remaining after existing and new LCTRS claimants are funded could be used to provide further reliefs at the authority's discretion. However, there is concern that the funding allocation may be insufficient if LCTRS claims spike upwards for the second half of the year as furlough and job support schemes unwind, and caseload will need to be carefully monitored before any proposals for this could be brought forward.
- 4.3 By covering the amount of the council tax that LCTRS claimants are required to pay, the Hardship Fund has improved the collection position for existing claimants. However, for new claimants the award of LCTRS relief for the council tax not covered by this will impact on the council tax collection fund position and potentially the council tax base if the increase in caseload is forecast to continue into 2021/22.
- 4.4 It is not known at this stage as to whether the Hardship Fund arrangements will be extended into next year, although the Council and other local authorities are lobbying strongly. There are concerns that if this measure is not extended, then collection rates will be affected as the Council will be seeking to collect council tax from claimants who, in some cases will not have paid council tax for over a year.
- 4.5 Against this uncertain background, it is not proposed that there be any changes to the LCTRS for 2021/22. It is proposed that a full review, taking into account COVID-19 learning, is undertaken early next year to develop a range of options for consideration and possible consultation.

#### **5 CONSULTATION**

- 5.1 As no changes are proposed to the scheme, no formal consultation has been required.

#### **6 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?**

- 6.1 The LCTRS provides important support to people in East Suffolk, directly contributing to the key theme of Enabling Communities. The changes introduced in April 2020 are reducing customer notifications and contact; eliminating continuous changes to the benefits they

receive through stable council tax repayment arrangements; and making their financial position much more stable.

## **7 FINANCIAL AND GOVERNANCE IMPLICATIONS**

7.1 None arising directly from this report.

## **8 OTHER KEY ISSUES**

8.1 The existing LCTRS scheme continues the DWP's previous Council Tax Benefit scheme conventions established over many years, regarding protections for vulnerable groups, including children, the disabled and the Armed Forces. An Equality impact Assessment (EIA) is not required where no changes are proposed to the scheme.

## **9 OTHER OPTIONS CONSIDERED**

9.1 A more significant policy option would be to consider increasing the contribution rate to more than 8.5%. However, the possible increase in Council Tax collected for the Council resulting from this is considered to be less than the additional costs of recovery (additional staff, postage and enquires to customer services), including the inability to recover the debt in year by deduction from DWP benefits. In addition, not only is this not considered to be appropriate in the light of the COVID-19 pandemic, there is also currently uncertainty as to whether these contributions might in any event be covered by extension of the Council Tax Hardship Fund.

## **10 REASON FOR RECOMMENDATION**

10.1 The required annual review of the LCTRS has been completed and no changes are proposed.

### **RECOMMENDATIONS**

That Cabinet recommend to Full Council that the Council retains the current Local Council Tax Reduction Scheme for 2020/21 as the 8.5% benefit scheme, i.e. the maximum benefit to working age claimants is 91.5%.

### **APPENDICES**

None

### **BACKGROUND PAPERS**

None.



**CABINET**

Tuesday 3 November 2020

**TRANSFER OF PROPERTY IN ST JAMES SOUTH ELMHAM**

**EXECUTIVE SUMMARY**

This report seeks consent to dispose of an area of open space in St James South Elmham to the parish meeting.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Bungay & Wainford
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<b>Cabinet Member:</b>	Councillor Richard Kerry Cabinet Member with responsibility for Housing
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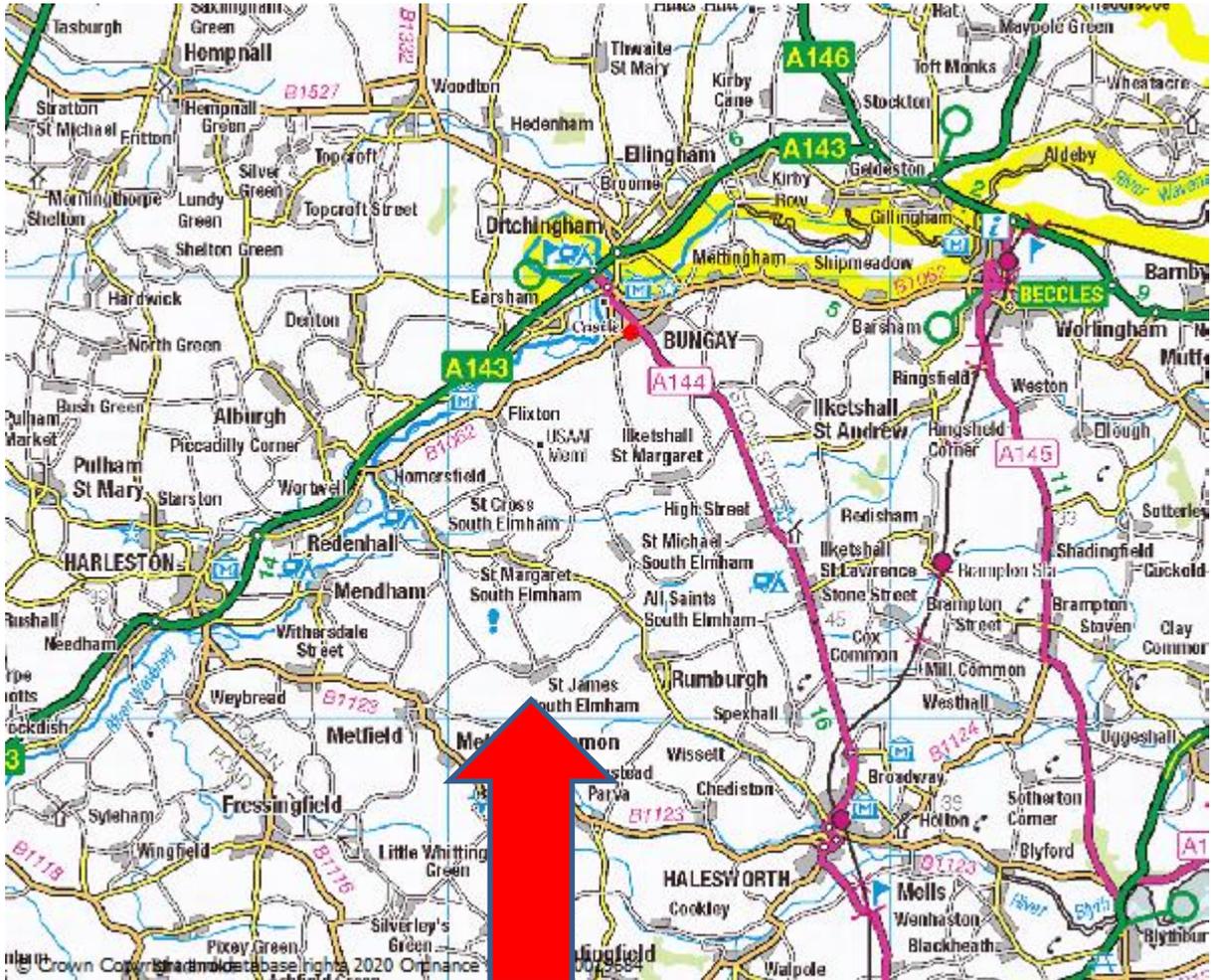
<b>Supporting Officer:</b>	Angus Williams Surveyor 01502 523352 <a href="mailto:Angus.williams@eastsoffolk.gov.uk">Angus.williams@eastsoffolk.gov.uk</a>
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# 1 INTRODUCTION

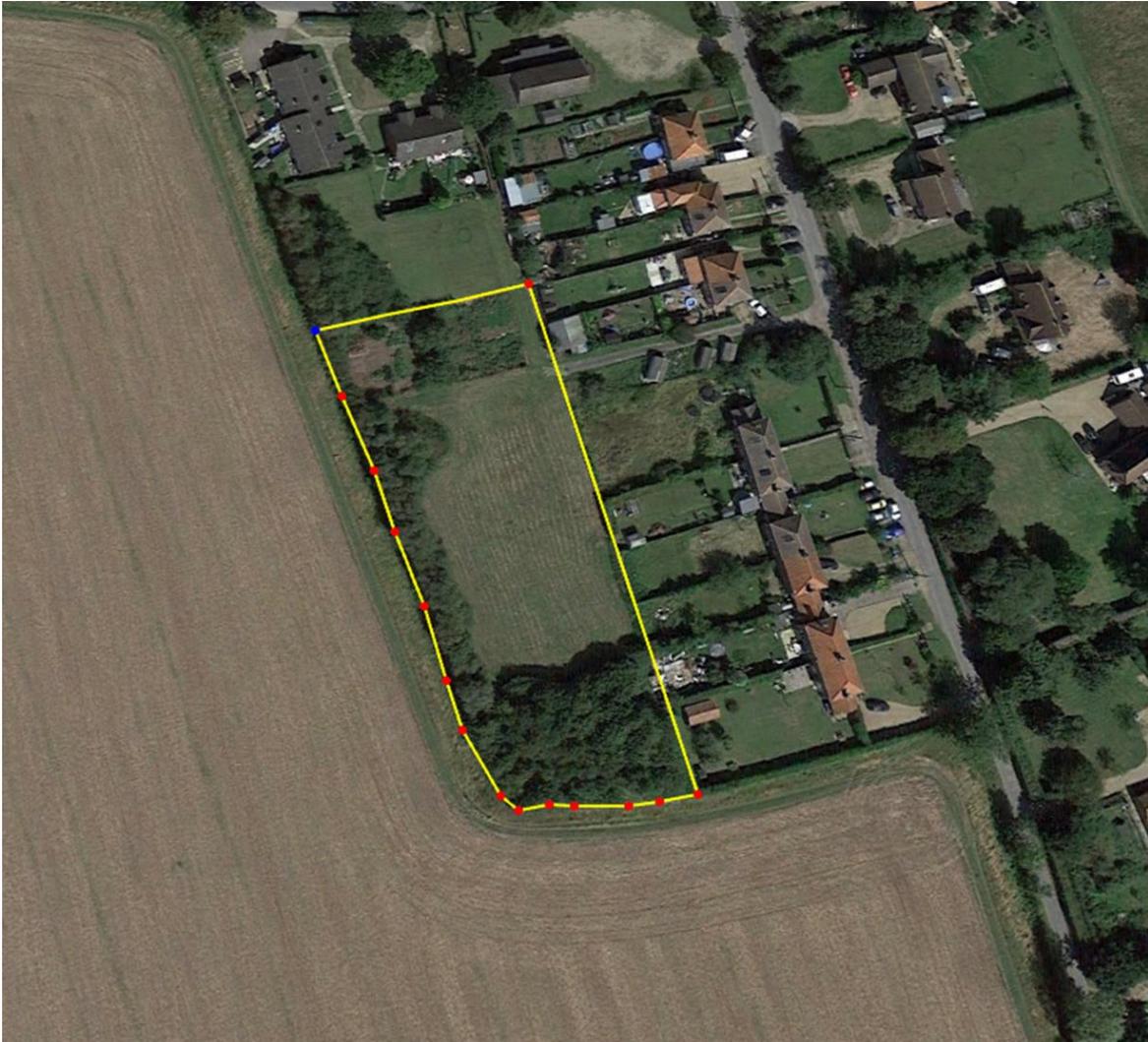
1.1 St James South Elmham Parish Meeting (“The Parish Meeting”) approached East Suffolk Council (ESC) with a view to acquiring a parcel of land currently owned by ESC, within the Housing Revenue Account (HRA). It is proposed to transfer the property at nil cost on the basis The Parish Meeting would be responsible for all future maintenance of the land.

# 2 THE PROPERTY

2.1 The subject land is situated to the south west of the village of St James South Elmham, which is approximately 8 miles south of Bungay. A plan showing the location of the property is shown below:



- 2.2 The site comprises a rectangular area of land currently laid to grass and surrounded by a dense hedge. There is a wooded area adjoining the southern boundary, residential properties to the east and agricultural land to the west. ESC owns and lets some garages next to the access road to the property. The land extends to 0.47 ha (1.15 acres). An aerial photograph showing the proposed site is shown outlined in yellow below and a plan to scale is included at Appendix B:



Map data Copyright Google 2020

- 2.3 The land is designated as public open space and it is used by the general public for recreation.

### 3 PLANNING

- 3.1 The land is classified as open space (Policy WLP 8.23) in the Waveney Local Plan, adopted in March 2019. This policy states there is a presumption against any development that involves the loss of open space or community sport and recreation facilities.
- 3.2 In view of the planning status of the property it is considered highly unlikely that there could be any successful application for development during the lifetime of the current local plan. It is highly unlikely future local plans will change from this significantly. We

understand it is the intention of The Parish Meeting to continue to use the land as open space and therefore no planning application would be required upon any sale agreed.

#### **4 MAINTENANCE**

- 4.1 The land is currently maintained by St James South Elmham Parish Meeting by their own volition. It is estimated by East Suffolk Norse that if they were to undertake full maintenance of this area it would cost in the region of £900 per annum.

#### **5 VALUATION**

- 5.1 The Housing Service instructed a valuation and sales advice from the Asset Management Team in line with the land disposals policy set out within the Asset Management Strategy 2019-2023.
- 5.2 The Asset Management Team provided a valuation of the land which is attached at **Appendix A**. In summary however the valuation showed comparable market evidence with sales of land ranging between £14,000 and £22,000 per acre. The valuation methodology indicates a value of £15,000 per acre for the site and this equates to a Market Value of £17,250 for the property.
- 5.3 The Asset Management Team has therefore recommended a transfer to The Parish Meeting taking into consideration the Market Value of £17,250.

#### **6 PROPOSED TRANSFER**

- 6.1 It is proposed that ESC transfer the freehold interest in the property to St James South Elmham Parish Meeting for nil consideration subject to retaining an overage entitling ESC to an 85% share of any uplift in value on the grant of any planning consent over the land for a period of forty years. ESC will retain the ownership of the access road adjacent to the garages and grant a right of access to the property.
- 6.2 The Parish Meeting have a good track record in looking after community assets. They have been successful in establishing and managing the St James Village Orchard, an area of open space planted as an orchard and looked after by The Parish Meeting for the benefit of local residents and visitors from further afield.
- 6.3 The retention of an overage ensures that ESC is seen to achieve best value as required under s123 Local Government Act 1972. A sale on the open market would be unlikely to reflect any potential future uplift. An overage ensures that if there is any unexpected gain within the time period that ESC will still benefit. Were the planning constraints to be unexpectedly lifted in the future and the property obtain a change of use, ESC would be entitled to a share of any uplift in value arising from this.
- 6.4 The disposal of the open space land is considered to be justified by ESC no longer being responsible for the maintenance of the land. At an annual maintenance cost of £900 per year, the cost to ESC of gifting the land worth £17,250 would be paid back in nineteen

years. This takes no account of the likely increase in maintenance costs over time or the central expense incurred in managing the property.

## **7 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?**

7.1 One of the five key themes of the Strategic Plan is remaining financially sustainable. The sustainable transfer of our assets to communities is listed as a key metric of the delivery of our priority to make best use of our assets.

7.2 Another key theme of the Strategic Plan is the enabling of our communities. It is recognised that local projects facilitate greater community strength and resilience as a means of ensuring that the local structures and delivery mechanisms are in place to deliver local support as and when necessary. It is also recognised that outdoor space plays a key role in maintaining wellbeing and good mental health. Remote areas such as this run the risk of slipping through the net when matters such as these are considered on a wider national or county scale. Facilitating access by local residents to areas of public space for which they are responsible and can see the results of their efforts all contribute to success in this key theme.

## **8 FINANCIAL AND GOVERNANCE IMPLICATIONS**

8.1 The transfer of this property will mean ESC will no longer own the freehold interest in this property.

8.2 The proposed transfer seeks to dissolve ESC of any maintenance liability of the land, estimated to be in the region of £900 per annum.

8.3 As this is HRA land under Section 32(2) of the Housing Act 1985 then no disposal may take place without the consent of the Secretary of State. However, as this land is vacant the Council can avail itself of the General Housing Consent 2013 A3.2. As this is a disposal of Public Open Space, under Section 123(2A) of the Local Government Act 1972 the proposed disposal must be advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated, the Council must consider any objections to the proposed disposal which may be made to them.

## **9 OTHER KEY ISSUES**

9.1 This report has been prepared having considered the results of an Equality Impact Assessment Ref EQIA 257311752. This has no positive or negative impacts on any of the groups of protected characteristics.

## **10 CONSULTATION**

10.1 St James South Elmham Parish Meeting.

## **11 OTHER OPTIONS CONSIDERED**

11.1 To sell the property at the Market Value. The Parish Meeting are not in a position to purchase the property at the Market Value. Were ESC to sell to a private individual the

public use of the land may be challenged by the new owner which could deny the public the use of an important area for recreation.

- 11.2 It would be possible for ESC to retain the freehold interest in the land. Both a short and long lease were considered, which would leave ESC with the liability for the land on the reversion of any lease, but the Parish Meeting preferred to take the freehold interest.
- 11.3 To retain the property and deny the Parish Meeting any involvement. This would deliver none of the positive outcomes listed above and leave ESC responsible for the maintenance of this land.

## **12 REASON FOR RECOMMENDATION**

- 12.1 The Asset Management Team is of the opinion that the proposed transfer delivers positive outcomes in accordance with the East Suffolk Strategic Plan.

### **RECOMMENDATION**

That Cabinet approves the transfer of the land shown in the plan at Appendix B together with access across the land shown edged in brown to St James South Elmham Parish Meeting for nil consideration subject to an overage agreement retaining 85% of any uplift in value on the grant of planning consent for any development for a period of 40 years.

### **APPENDICES**

<b>Appendix A</b>	Valuation
<b>Appendix B</b>	Plan

### **BACKGROUND PAPERS**

None

# VALUATION REPORT

<b>Property Address</b>	Land West St James Lane, St James South Elmham
<b>Land registry title number</b>	Part of SK 261932
<b>Report Date</b>	12 October 2020

## THE PROPERTY

PHOTO	SITE PLAN
	

<b>Use</b>	Amenity land
<b>Location</b>	The property is situated to the west of St James Lane which itself is to the south west of the village of St James South Elmham.
<b>Description</b>	<p>The property comprises an area of open grass with a patch of woodland to the south. The whole site is bordered by a thick hedge.</p> <p>It is accessed by a narrow track between No 6 &amp; 7 St James Lane.</p>
<b>Site Area / Accommodation</b>	The site extends to 0.47 ha (1.15 acres).

<b>Tenure</b>	Freehold
<b>Condition</b>	The land is in good condition with no unlevel areas or areas notably wet or soft underfoot.
<b>Flood risk</b>	Flood Zone one (Lowest risk)
<b>Planning Policy</b>	<p>It is not within a Conservation Area</p> <p>We have reviewed East Suffolk Local Plan which shows the property is classified as open space (policy WLP 8.23).</p> <p>Policy 8.23 states that there is a presumption against any development that involves the loss of open space or community sport and recreation facilities.</p>
<b>Planning History</b>	There are no previous planning applications over the land noted on the public register
<b>Rateable Value</b>	n/a
<b>Asbestos</b>	Bare land - n/a
<b>EPC</b>	n/a
<b>Equality Act 2010</b>	Open space access is good
<b>Fire safety</b>	Bare land -n/a
<b>Radon</b>	Properties in St James South Elmham are at risk level one for radon. We are unaware of any adverse effect on property values and assumed no impact.
<b>Invasive species</b>	No invasive species were noted on inspection
<b>Services</b>	There are no utilities connected to the property. Mains electricity, water and sewerage can be found in St James Lane.
<b>Highway &amp; Access</b>	Vehicular and pedestrian access to the property is via St James Lane, maintained at public expense. We are not aware of any third-party land between the property and the public highway.
<b>Site &amp; Ground Conditions</b>	We have assumed no adverse ground conditions.
<b>Occupation</b>	The property is vacant.

## APPROACH TO VALUATION

<b>Basis of Value</b>	Market value is defined in the RICS Valuation standards (the red book ) as: The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing and where the parties had acted knowledgably, prudently and without compulsion.																				
<b>Date of Valuation</b>	12 October 2020																				
<b>Purpose of Valuation</b>	This valuation is produced for internal purposes for negotiation for consideration for disposal.																				
<b>Special Assumptions</b>	None																				
<b>Valuer and inspection</b>	The property was inspected by Angus Williams on 8 July 2020.																				
<b>Local Market Commentary</b>	<p>The market for amenity land appears buoyant in Norfolk and Suffolk. No evidence has been found of parcels of land such as this failing to sell at auction within the past year.</p> <p>There is however, less evidence of sales of land subject to open space planning restrictions.</p>																				
<b>Comparable Evidence</b>	<table border="1"> <thead> <tr> <th></th> <th>Address</th> <th>Description</th> <th>Sale Price &amp; Date</th> <th>£/acre</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Poplar House, Silfield</td> <td>3.2 acres open land</td> <td>12/2/2020 £45,000</td> <td>£14,063</td> </tr> <tr> <td>2</td> <td>Church Lane, Dereham</td> <td>1.5 acres amenity land with small area of woodland</td> <td>26/3/2020 £33,500</td> <td>£22,333</td> </tr> <tr> <td>3</td> <td>Fornsett St Peter</td> <td>3.58 acres amenity/grazing land</td> <td>3/6/2020 £72,000</td> <td>£20,122</td> </tr> </tbody> </table>		Address	Description	Sale Price & Date	£/acre	1	Poplar House, Silfield	3.2 acres open land	12/2/2020 £45,000	£14,063	2	Church Lane, Dereham	1.5 acres amenity land with small area of woodland	26/3/2020 £33,500	£22,333	3	Fornsett St Peter	3.58 acres amenity/grazing land	3/6/2020 £72,000	£20,122
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<b>Valuation Considerations</b>	<p>The principal matters that impact the valuation are as follows:</p> <ul style="list-style-type: none"> <li>• The site is situated immediately to the rear of 5 – 12 St James Lane with good access from the village.</li> <li>• The site is situated within St James South Elmham where typically values for land are low in comparison with similar properties closer to the popular areas near the coast.</li> <li>• The property is in a good state of repair.</li> </ul>																				

	<ul style="list-style-type: none"> <li>The land is designated open space and therefore the value of the site will be limited due to restrictions on use.</li> </ul>
<b>Valuation Methodology</b>	<p>The comparable evidence shows a range of values between approximately £14,000 and £22,000. However, each of these sites are designated for amenity use rather than open space. Without the designation we consider a rate of £20,000 per acre would be in line with comparable evidence. We have therefore discounted this rate by 25% to reflect the expectation this site can only be used for public open space. This results in a figure of £15,000 per acre which equates to a Market Value of £17,250.</p>
<b>Valuer Name and date</b>	Angus Williams 28 September 2020
<b>Valuer Signature</b>	
<b>Valuer Name and date</b>	Duncan Colman – 12/10/2020
<b>Valuer signature</b>	

Map produced on 19 August 2020 at 18:06

Scale 1:1000





**CABINET**

Tuesday 3 November 2020

**SOUTHWOLD HARBOUR NORTH PIER FENDER REPAIR**

**EXECUTIVE SUMMARY**

1. Southwold Harbour North Pier Fender is damaged and in need of repair to protect mariners from harm when navigating in to and away from the Blyth Estuary.
2. This report explains why a repair is required, what options for repair have been considered and makes a recommendation for a repair in spring 2021 at an estimated maximum cost of £1.1M. The funding sources are proposed as: £400,000 from existing Coastal Management capital funds, £170,000 from Coastal Management reserves and the balance of £530,000 from the capital budget to be repaid from the Southwold Harbour account.
3. The actual cost may be lower subject to the outcome of the procurement process and an application for Flood Defence grant in aid.
4. The report also notes that further significant spending is required to sustain the North Pier in the short and medium term and recommends that this financial commitment be recognised in forward spending plans by the team responsible for management.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Southwold
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<b>Cabinet Members:</b>	<p>Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management</p> <p>Councillor Maurice Cook Cabinet Member with responsibility for Resources</p>
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<b>Supporting Officers:</b>	<p>Kerry Blair Head of Operations 01502 523007 <a href="mailto:kerry.blair@eastsoffolk.gov.uk">kerry.blair@eastsoffolk.gov.uk</a></p> <p>Karen Thomas Head of Coastal Management 07920 411955 <a href="mailto:Karen.Thomas@eastsoffolk.gov.uk">Karen.Thomas@eastsoffolk.gov.uk</a></p>
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## 1 INTRODUCTION

- 1.1 Southwold Harbour entrance North Pier has both navigation and flood and erosion management functions. It was substantially rebuilt in 1992 when a rock armour mound was added to the seaward piled jetty seaward end and channel face. The aim was to narrow the channel, support the unstable piled jetty and reduce wave energy. A timber fender mounted on steel piles was installed around the rock mound to protect vessels from impact damage. This was a requirement of Trinity House.
- 1.2 In 2008 ~18m of the seaward face of the fender was rebuilt after several steel piles failed. At that time other parts were found to be deteriorating and replacement of the remaining length of ~16m was assumed likely within 5-10 years i.e. by 2018.
- 1.3 Fender condition diving surveys were done in 2012 and 2016. The 2016 report identified a high risk of failure of the seaward part and recommended a range of potential improvements. In autumn of 2016, a 9m length of seaward fender failed.
- 1.4 In late 2017 a Cabinet Report considered a range options including repair of both seaward and channel fender parts. The channel part at ~54m is less exposed and has a longer life. It was resolved to replace the damaged outer part using the original 1992 design at a cost of £120,000 during summer 2018.
- 1.5 Not maintaining or removing the fender has been considered at each occurrence of damage. In every case that idea has been strongly resisted by harbour users and consultees.
- 1.6 In 2018 the Council's R&M term contractor, J T Mackley (JTM), was appointed to carry out design and construction. A design review took place including consultation with other stakeholders. An alternative design was prepared and priced by JTM at ~£250,000.
- 1.7 Challenges to that price increase led to the 2018 window of construction opportunity being missed. The term contract with JTM ended in mid-2018 and it was decided to seek tenders for the works via the Council's Direct Purchasing System.
- 1.8 Lack of resources in the CPE team delayed design completion and tender preparation and release to early 2020. At this time, further damage had increased the work scope, replacement of the navigation light had been added and low beach levels had made land access more difficult which increased the expected tender value to ~£375,000. This assumed access to construct the works was possible by use of a temporary beach platform.
- 1.9 It was recognised that if beach access was not possible then a tender value involving marine access would be much higher. This was estimated at £650k however no budget provision was made for the higher price Marine Access tender outcome.
- 1.10 In 2020 there has been more damage to remaining parts of the seaward fender. It has been patch-repaired under the Council's R&M Term contract but will require additional works to be added to the capital works scope.
- 1.11 The spring 2020 tender process was affected by Covid19. It limited the availability and appetite of bidders to prepare tenders and, despite an extension to the bid period, only 2 were received, both significantly above the budget. The tender period extension also pushed back the construction period from June to autumn with an associated increase in weather risk and cost.
- 1.12 Other client-owned risks, estimated at time of tender at ~£100,000 but subject to review, sit outside the tender sum and must be considered in the budget. The risk sum is included in forecast costs.

- 1.13 Both tenders received proposed use of marine access in the form of a Jack Up barge (JUB) to build the works and both also proposed methods of construction that will require changes to a key consent (Marine Licence) that will involve further consultation of up to 13 weeks.
- 1.14 Both tenders offered alternative bids including suggested design changes. These have been reviewed with the designer with a conclusion that none are beneficial to the client.
- 1.15 Assuming a decision on funding is made and able to be acted upon by mid-November, and that a Marine Licence re-consultation period of 13 weeks is required then the earliest construction start date is mid-February 2021. This start date will require negotiation with the previous bidders as the tender validity date has now expired. Weather conditions in February 2021 will increase construction risk and therefore costs.
- 1.16 A lower cost outcome will probably be achieved if the work is retendered for construction in fair weather conditions during Spring / early Summer of 2021.

## **2 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?**

- 2.1 The proposed work is required to sustain the river Blyth estuary as a navigable harbour for commercial fishing and recreational sailing purposes. In addition to being home to a fishing fleet and leisure boating enterprises the harbour has great appeal to tourists. It therefore makes a significant contribution to the local and regional economy.

## **3 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 3.1 The Coastal Management local capital budget allocated £400,000 for this work in 2020. This budget assumed summer working and that access was possible via a beach causeway.
- 3.2 ESC has a forward marker with Environment Agency (EA) for a potential grant contribution of up to £250k that will require approval by EA at national level. An application for this has a 2-3 month processing time. CPE will submit an application to run in parallel with the MMO licence application.
- 3.3 Based upon the tenders received to date there is a budget shortfall of up to ~£700,000. This may reduce if EA grant is awarded and / or a retender results in a lower price. The value of the shortfall will not be known until a decision is taken on the procurement route – negotiation or retender – and that process is concluded. The timing of construction will also effect cost with summer weather likely to produce a lower cost.
- 3.4 It is proposed to fund the shortfall with £170,000 taken from Coastal Management capital reserves and the balance from the capital budget, to be repaid from the Harbour Account
- 3.5 The most favourable value for money outcome will be achieved by a retender leading to construction in April / May 2021. This may attract a greater number of bids and potentially include a beach access option that will probably be a lower cost.
- 3.6 Whilst the fender is incomplete there is a risk that vessels may run aground on rocks exposed by the missing fender parts. The implications of this ongoing situation for the Council's insurance liability are unfavourable.
- 3.7 A more comprehensive management plan for the harbour structures is under preparation as part of the Harbour Study that is due to report in January 2021. It will make recommendations for a 'whole harbour' investment approach including the fender. This will be presented to Cabinet at a later date.

## **4 OTHER KEY ISSUES**

- 4.1 Since 1990 responsibility for sustaining the Southwold Harbour entrance North Pier structure has sat with the Coastal Management (CM) team whilst the Operations team has managed all other Council-owned harbour assets. This split was based upon the premise that the North Pier was primarily a coast protection structure that qualified for funding as such and that the CM team was best placed to deliver those works.
- 4.2 The Environment Agency has since resolved to withdraw maintenance from flood defences in the Blyth by 2030; a consequence of this is that works to harbour entrance structures will probably no longer qualify for Defra Flood and Erosion Management grant funding. This calls into question the benefit of management of the north pier being separated from the remainder of the harbour infrastructure.
- 4.3 A review of alternative options for management, combined with an updated investment plan, is recommended to compliment the development of a strategic Harbour Management Plan.
- 4.4 An Equality Impact Assessment is not relevant to this item.

## **5 CONSULTATION**

- 5.1 Informal consultation has taken place with the following organisations since 2018 regarding potential construction methods and consents. Natural England, Environment Agency, Suffolk Wildlife Trust, Crown Estate, Marine Management Organisation (MMO), AONB and ESC planning team.
- 5.2 The views of the Harbour Master and Harbour Users group have been sought and considered as part of the design process.
- 5.3 There has been more formal consultation on the works under the Marine Licence process which will be repeated before construction starts.
- 5.4 There are no known objections to the planned works.

## **6 OTHER OPTIONS CONSIDERED**

- 6.1 A – Attempt to negotiate with the spring 2020 tender bidders to achieve the earliest possible site start date.
- 6.2 Money. Assuming a total Coastal Management budget allocation of £570,000 the funding gap is estimated at up to £530,000. This may reduce if EA grant is awarded.
- 6.3 Pros. Marine safety is improved asap. ESC reputation is improved asap. Risk of further fender damage is reduced.
- 6.4 Cons. Amendments to the Marine Licence will delay the earliest start date to January / February 2021. This is mid-winter and will increase the weather cost risk.
- 6.5 B – Defer work to spring 2021 in hope of obtaining more and lower bids.
- 6.6 Money. Assuming a total Coastal Management budget allocation of £570,000 the funding gap is estimated at up to £530,000. This may reduce if EA grant is awarded.
- 6.7 Pros. Shoreline conditions in spring 2021 will be more favourable than winter possibly allowing a lower-cost beach access option and probably with a lower weather downtime cost. A new tender process post-Covid19 may produce more competitive prices for a marine access option.

- 6.8 Cons. The extent of damage may increase requiring more capital repair work than in current scope. There will be increased risk to harbour users from an extended period of reduced protection. The reputation of the Council may suffer from criticism for another delay.
- 6.9 C – Increase the scope of works to replace the whole seaward fender length.
- 6.10 It is increasing difficult to gain access to the seaward fender to allow major works. The mobilisation cost of the required equipment is high. There is an argument to maximise use of the equipment once in place to delay the time to the next mobilisation. The maximum works option is to replace ~30m of seaward fender, including those remaining parts installed in 2008.
- 6.11 Money. The cost of this option may be up to £1,500,000 assuming marine access, much less if by land access.
- 6.12 Pros. Will delay the need for capital renewal costs to the seaward fender for 20-25 years.
- 6.13 Cons. The channel fender will probably need capital renewal works within 5-10 years probably involving marine access. If so, this will provide an opportunity to do works to the seaward fender, if required.
- 6.14 D – Do not repair the damaged and missing seaward fender parts.
- 6.15 Based upon the 2020 tender returns the cost of sustaining a fender at this location are extremely high. The rate/m is ~£50,000. This compares with a range of ~£3,000/m to ~£15,000/m for recent coastal defence works in Suffolk.
- 6.16 This raises questions including:  
 What have been the negative consequences of a part failed seaward fender since 2017?  
 What are the risks to the Council of not replacing it?  
 Do the benefits of an intact seaward fender justify the high cost of sustaining it?
- 6.17 These questions have been posed before. The response of the majority of consultees is that a fender at this location is required.

## **7 REASON FOR RECOMMENDATION**

- 7.1 The earliest works start date is February 2021 if it is possible to negotiate a new tender price with one of the 2 spring 2020 bidders and subject to the issue of an amended Marine Licence. The risks associated with winter working will probably increase the already high tender sum.
- 7.2 The alternative (Option B) is for a retender, or a negotiation with the previous tenderers, leading to works in more favourable and low risk weather conditions in spring that may result in a significant cost saving if beach access is possible.
- 7.3 The net benefits of Option B outweigh the those of Option A.
- 7.4 Option C does not provide a certain cost saving.
- 7.5 Option D is not acceptable to most stakeholders and creates unacceptable reputational and financial risks to the Council.

**RECOMMENDATIONS**

1. That damage to the Southwold Harbour North Pier fender is repaired by works in Spring 2021 at an estimated cost of up to £1,1 million, including risk.
2. That the work is funded from a combination of existing East Suffolk Council Coastal Management capital budget and reserves of £570,000, and a new allocation of up to £530,000 from the General Fund budget.
3. That provision is made in the 2021/22 capital budget for the new capital expenditure.

**APPENDICES**

None

**BACKGROUND PAPERS**

None