



Babergh and Mid Suffolk

Joint Local Plan

Hearing Statement – Matter 1a

Legal Compliance

June 2021



Babergh and Mid Suffolk District Councils
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Introduction

This Hearing Statement has been produced by the Councils for the Babergh and Mid Suffolk Joint Local Plan (JLP) Examination in response to the Inspectors' Matters and Questions. The entire Core Document Library for the JLP Examination can be accessed online. The Councils have responded to each Question directly in the body of the Hearing Statement. Appendix 1 provides a specific but brief response to each of the Main Issues raised during the period for representations following the publication of the JLP (as requested at paragraph 22 of the Inspectors' Examination Guidance Note).

For further information please visit the Councils' JLP Examination webpages below:

<https://www.babergh.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-submission/joint-local-plan-examination/>

<https://www.midsuffolk.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-submission/joint-local-plan-examination/>



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Question 1.1

- ***In preparing the plan did the Councils engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Co-operate? [Note: this question concerns the engagement undertaken by the Councils during the preparation of the plan and does not directly relate to the content of the plan and whether or not it is sound which is considered under other Matters]***

- 1.01 Yes. The Councils' Duty to Cooperate Statement ([Document A07](#)) sets out how the Councils have complied with the Duty. Appendix A of the Duty to Cooperate Statement ([Document A07](#)) provides a summary of how the Councils have engaged constructively, actively and on an ongoing basis on strategic cross boundary planning matters.
- 1.02 The Councils have an established and collaborative working relationship with neighbouring authorities, including through the Ipswich Strategic Planning Area (ISPA) Board, which consists of councillors from Babergh, Mid Suffolk, Ipswich, East Suffolk (for the former Suffolk Coastal area) and Suffolk County Council. A Statement of Common Ground has been signed by the ISPA authorities covering strategic cross boundary planning matters ([Document ES18](#)).
- 1.03 The Councils have worked with neighbouring authorities through the production of joint evidence base documents. This includes the preparation of the following documents:
- Joint Strategic Housing Market Assessment (Documents [EH01](#), [EH02](#) and [EH05](#))
 - Joint Gypsy, Traveller and Travelling Showpeople and Boat Dwellers Accommodation Needs ([Document EH03](#))
 - Economic Land Needs Assessment ([Document EC02](#)) and Ipswich Economic Area Sector Needs Assessment ([Document EC03](#))
 - ISPA Local Plan Transport Modelling (Document [ET01](#) to [ET14](#)).
- 1.04 Through the production of the Joint Local Plan and the accompanying evidence base, the Councils have engaged with organisations such as the Environment Agency, Historic England, Natural England, Ipswich and East Suffolk Clinical Commissioning Group, West Suffolk Clinical Commissioning Group, Highways England and Suffolk County Council.

Question 1.2

- ***Has the plan been prepared in accordance with the adopted Joint Local Development Scheme?***

- 2.01 Yes. The Joint Local Plan has been produced in accordance with the timescale and milestones set out in the latest Joint Local Development Scheme (LDS), published in July 2020 ([Document A11](#)).
- 2.02 The latest version of the LDS was published prior to the Joint Local Plan – Pre-Submission (Regulation 19) Consultation. In line with the LDS the Councils consulted on the Regulation 19 Joint Local Plan between 12th November 2020 and 24th December 2020, and submitted the plan for independent examination on 31st March 2021.

Question 1.3

- ***Has consultation on the plan been carried out in accordance with the Councils' Joint Statement of Community Involvement (and its Addendum) and the requirements of the 2004 Act (as amended) and the 2012 Regulations?***

- 3.01 Yes. The Councils have consulted on the Joint Local Plan in accordance with the Joint Statement of Community Involvement (SCI) ([Document A12](#)) and its Addendum ([Document A13](#)). Chapter 3 and Appendix 2 of the SCI ([Document A12](#)) details who and how the Councils will consult in the preparation of planning policy documents. Appendix A & B of the Councils' Consultation Statement ([Document A06](#)) identifies who was invited to comment at Regulation 18 stage, and how they were invited to make comments. During the Regulation 18 consultations (beginning in August 2017 and July 2019), the Councils made hard copies of the plan and Sustainability Appraisal available at the Council offices and libraries within the districts ([Document A06](#), see pages 6 and 22).
- 3.02 In response to public health restrictions around the Coronavirus (Covid-19) pandemic, new legislation was introduced which temporarily amends regulations 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The temporary amendments removed the requirement to make certain documents available for inspection at premises and to provide hard copies on request. The Councils adopted an Addendum to the SCI ([Document A13](#)), which temporarily suspended paragraph 3.3 of the Statement of Community Involvement ([Document A12](#)) which stated that the Councils would make hard copies of all appropriate documents available at the Councils' customer service centres and consider additional locations if considered suitable to the area/consultation. These temporary amendments were in place during the Regulation 19 – Pre-Submission consultation. During the Regulation 19 consultation, the Councils made all relevant documents available online and



provided hard copies of documents on request at a cost in line with the SCI ([Document A12](#)).

3.03 All consultation periods complied with the Town and Country Planning (Local Planning) Regulations 2012 (as amended), which require a minimum of 6 weeks' consultation.

3.04 The Councils have produced a Consultation Statement ([Document A06](#)), which complies with Regulation 22(c) of the Town and Country Planning (Local Planning) Regulation 2012. This sets out which bodies and persons were invited to make representations under Regulation 18 (set out at Appendix A), how those bodies were invited to make representations (set out at Appendix B), a summary of the main issues raised (pages 6 – 75), how those representations have been taken into account (pages 6 – 75), the number of representations made pursuant to Regulation 20 (page 76) and a summary of the main issues raised (pages 77 – 118).

Question 1.4

- ***Does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:***

[Note: This question focusses on the legal compliance of the SA in broad terms. The implications of the SA for the soundness of the plan is considered under other Matters.]

(a) its assessment of the likely effects of the plan's policies and allocations?

4.01 The sustainability appraisal ([Document A03](#)) is a comprehensive and robust assessment carried out in accordance with the statutory requirements. A full compliance assessment against the regulations is set out in Table 1.1 of ([Document A03](#), page 9)

4.02 In particular, Chapters 6, 7 and Appendix E show the assessment of the likely effects of the Plan's policies and allocations.

(b) its consideration of reasonable alternatives, including the nine spatial strategy options?

4.03 An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of knowhow) encountered in compiling the required information, is set out in SA ([Document A03](#)) Chapters 2, 5, 6, 7 and Appendices C, D, E and F.



4.04 For the spatial strategy options in particular, these are set out in Chapter 5 (page 49) of the SA ([Document A03](#)).

Question 1.5

➤ ***Does the plan include policies designed to ensure that the development and use of land in Babergh and Mid Suffolk contributes to the mitigation of, and adaptation to, climate change?***

5.01 Yes. The Joint Local Plan includes policies, which are designed to ensure that the development and use of land in the Babergh and Mid Suffolk contributes to the mitigation of, and adaptation to, climate change.

5.02 The need to mitigate and adapt to climate change is interwoven into a number of Joint Local Plan policies. Policy SP09(1) requires development to include environmental protection measures, such as sustainable urban drainage systems. Policy SP10 sets out at a strategic level, what measures the Councils will expect from development to mitigate and adapt to climate change. Policy LP25 sets a number of energy efficiency standards which would contribute towards the mitigation of climate change. Policy LP26(1c) requires high quality design to adapt to climate change, which could include extreme weather events. Policy LP27 supports renewable, decentralised and community energy generating proposals. Policy LP28(2) supports development which considers its impact on water resources and the capacity of water supply infrastructure, taking into account the effects of climate change. Policy LP29 sets out the Councils' approach to managing flood risk. Policy LP32 encourages developments to maximise the uptake in sustainable and active transport.

5.03 The Councils' Sustainability Appraisal (SA) (Documents [A03](#) and [A04](#)) has informed the policies and strategy of the Joint Local Plan. The SA tested the Plan's policies against a number of objectives, including Objective 9 'To reduce contributions to climate change' and Objective 10 'To reduce vulnerability and increase resilience to extreme weather events and flooding which may be caused by climate change'.

Question 1.6

➤ ***Does the plan include policies to address the strategic priorities for the development and use of land in Babergh and Mid Suffolk?***

6.01 Yes. The Joint Local Plan Vision and Objectives (Chapter 3) sets out the strategic priorities for the development and use of land within the Districts. The Councils' monitoring framework (Appendix 02 of the plan) identifies which policies relate to which objective of the plan.



6.02 The Strategic Policies (SP01 to SP10) set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing, infrastructure, communities facilities and the conservation and enhancement of the natural, built and historic environment.

Question 1.7

- ***Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations***

7.01 Yes. Part 3 of the Councils' PAS Self-Assessment Checklist ([Document A16](#), pages 66 – 118) demonstrates how the Councils have complied with the relevant legal requirements.



Appendix 01

Main issues raised from R19 JLP consultation statement (Ref A06)

This Appendix sets out matters raised from the Regulation 19 JLP consultation statement ([Document A06](#)) addressing the Inspectors' requirements as set out in Paragraph 22 of the Examination Guidance Notes - <https://www.babergh.gov.uk/assets/Strategic-Planning/JLPExamination/CoreDocLibrary/H-PostSubmissionDocs/H04-Examination-Guidance-Notes.pdf>.

DtC main issue

Duty to Cooperate. Main Issue	Councils' brief response
1. Support for identifying and cooperating on relevant strategic and cross boundary issues with designated bodies.	Noted. The Councils have engaged throughout the preparation of the JLP with neighbouring local authorities.
2. Despite unmet housing need not currently being identified, the Councils should provide policy mechanisms to deal with unmet need should they emerge.	See Matter 3 (Question 3.3)
3. The Plan does not identify Ipswich Strategic Planning Area wide growth objectives.	The Plan is compatible with these. See Matter 4 - Question 4.6
4. Suffolk Constabulary should be added to key Duty to Cooperate partners and added to relevant infrastructure sections of the Plan.	Suffolk Constabulary are not a prescribed body identified through the DtC. The infrastructure needs of Suffolk Constabulary are identified in the Councils' IDP. Policy SP08 identifies that all development will need to make provision for community infrastructure where identified through the IDP.

SA main issue

Sustainability Appraisal. Main issue	Councils' brief response
1. There is considerable uncertainty regarding the impact of the Local Plan's policies with SA Objective 11 (conserve & enhance biodiversity and geodiversity)	The Councils have worked with Natural England to satisfactorily resolve any uncertainties of interpreting the SA. A new Statement of Common Ground is being agreed with them.
2. Any policies or proposals that do not adequately protect or fully consider the impacts of development on Natura 2000 (N2K) or SSSI should be removed or modified.	The Councils have gone through a robust process and an updated Statement of Common Ground is being agreed with Natural England.
3. It should be made clear as to which alternatives have been considered and adopted to demonstrate that avoidance has been a priority.	The SA documents the process followed for policy/allocation selection. Appendix G of the SA sets out reasons for selecting or rejecting site options.



Sustainability Appraisal. Main issue	Councils' brief response
4. The monitoring indicators proposed are not sufficient to meet the relevant regulations to include suitable monitoring indicators in the SA.	The Councils consider that the monitoring indicators are sufficient. If necessary, the indicators would be reviewed in response to any relevant changes through the examination process.
5. Sudbury - no cumulative impact assessment has been made regarding the Chilton Woods and Tye Farm developments.	Chilton Woods is part of the baseline position for the JLP. The impact of all allocations on the baseline position, including cumulative impacts, has been undertaken.
6. A comprehensive strategic SA should be carried out across the wider Ipswich planning area.	There is no requirement for this. Each respective Local Plan document in the wider Ipswich Planning area has carried out its own statutory SA.
7. The 2019 SA Addendum was not considered at BMSDC Full Council meetings in June 2019.	Full Council considered the final SA, and agreed the publication of the JLP in November 2020.
8. The assessment of reasonable alternatives should not be based upon the SHELAA outcomes. The SHELAA is out of date.	The process is considered appropriate. See Matter 4 (Question 4.10).
9. Support the spatial options tested, however, further site specific criteria could be used to improve sustainability outcomes.	The SA Framework used is considered appropriate.
10. The SA has not fully evaluated the impacts of proposed Ipswich Fringe growth on services and facilities in Ipswich.	It is not the role of SA to evaluate the burdens placed on the services and facilities of neighbouring authorities. Any such issues would, however, be addressed at the development management stage via Policies LP33 and LP35.
11. The SA has not properly informed the JLP with regard to air quality matters.	<p>The SA highlights potential issues regarding air pollution (which require a strategic approach and are likely to reduce over time as electric vehicles form a larger proportion of traffic), but it also recognises that Ipswich is the major jobs, services and facilities centre in the region and that therefore there are many sustainability advantages to focusing a proportion of development close to the town.</p> <p>The SA highlights potential issues regarding air pollution which require a strategic approach (e.g. the Ipswich Strategic Planning Area Transport Mitigation Strategy), rather than a site by site approach, and air pollution is likely to reduce over time as electric vehicles form a larger proportion of traffic.</p>

Sustainability Appraisal. Main issue	Councils' brief response
	Para 7.561 of the SA Report notes that the Joint Local Plan does include policies that seek to promote sustainable forms of transport, as well as electric charging points for electric cars, which are less polluting than combustion engines and likely to become more commonplace during the Plan period.
12. Alternative allocation sites proposed in: Bentley, Boxford, Brantham, Debenham, Glemsford, Haughley, Long Melford, Mendlesham, Needham Market, Stowmarket, Stowupland, Wherstead	The JLP and SA are considered to have taken a robust approach to the identification, assessment and selection of sites.

General main issue

General. Main issue	Councils' brief response
1. The Plan needs stronger commitments to addressing climate change matters and environmentally important sites.	Considered under Matter 7 (Environment).
2. The Babergh Saved Policy CS10 (Brantham Regeneration Area) should be retained in the new Plan to ensure employment use is delivered on site and not 100% housing.	Considered under Matter 6 (Employment).
3. The Stowmarket Area Action Plan (SAAP) policies should remain in place until a new vision for Stowmarket is considered and established.	The Joint Local Plan will supersede all existing local plan, core strategy and area action plan policies, to ensure that all policies are robust and up to date.
4. The relevant policies of the Plan, need to be updated to make reference to designations identified in made Neighbourhood Plans.	Made Neighbourhood Plans are part of the development plan – see Matter 7 (question 7.5).
5. The Councils need to be clear on the narrative of past and current housing delivery rates.	Considered under Matter 3 (question 3.1).
6. The Profile section of the Plan needs greater recognition of the key Essex communities of Colchester, Braintree and Chelmsford.	The Joint Local Plan profile is considered to be appropriate.
7. The Council has not carried out consultation for the minimum time period prescribed in the Regulations.	The Regulation 19 Joint Local Plan consultation opened on 12 th November 2020 and closed on 24 th December 2020 (6 weeks) which complies with the requirements set out in the Regulations.
8. The Plan's Policies map is inadequate and does not include a district wide map.	The Councils' online Joint Local Plan Map provides full coverage of the Districts and each designation.
9. The Plan extends beyond the 2036 evidence base period and it is unclear how the growth estimates have been identified up to 2037.	Where applicable, the Councils have annualised growth estimates and rolled this forward to the 2037 end date of the plan.

