

HEARING STATEMENT FOR

BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION

MATTER 4: SETTLEMENT HIERARCHY, SPATIAL DISTRIBUTION OF HOUSING AND HOUSING SITE SELECTION PROCESS

BALLYMORE GROUP AND MR & MRS PRICE

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1.0 Introduction

1.1 This Hearing Statement has been prepared by Pegasus Group on behalf of Ballymore Group and Mr & Mrs Price (the parties) in the context of the promotion of Land east, west and south of Hook Lane, Hadleigh for residential development and a new sports hub. The site is not allocated in the submitted version of the emerging Joint Local Plan but can be identified with the reference SS0221 in the SHELAA (EH06, October 2020).

1.2 This Hearing Statement should be read in conjunction with representations made on behalf of the parties at previous stages of the Local Plan preparation, including representations submitted to the Regulation 19 public consultation on the Pre-Submission Local Plan in December 2020 and to the Regulation 18 Preferred Options consultation in September 2019. This Hearing Statement has been prepared following a review of the submitted evidence base. The responses are based on the plan as submitted (A01).

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

4.1 Has the settlement hierarchy set out in Tables 2 and 3 been derived using a robust and objective process?

2.1 The parties are largely supportive of the settlement hierarchy identified in Tables 2 and 3 and agree with the principle of directing new development to sustainable locations in a dispersed manner. The Councils have produced a Topic Paper – Settlement Hierarchy Review (EP01, November 2020) which clearly sets out the evidence that has been collated and the methodology utilised to rank the sustainability of a settlement based on accessibility to everyday services and facilities. The parties consider that this process has been objective, and has allowed the most sustainable locations for growth to be designated in the top tiers of the settlement hierarchy.

2.2 However, the process has not been as robust as it should have been. EP01 has

taken the stance that the settlements identified as market towns and urban areas in the Babergh Core Strategy 2014 and Mid Suffolk Core Strategy 2008 has not changed. The parties do not consider that these settlements have been erroneously identified as being sustainable, but do consider these settlements should still have been included in the scoring process for transparency. EP01 as it currently stands does not make it abundantly clear just how sustainable these settlements are.

2.3 For instance, Hadleigh is designated within the 'Babergh Market Towns and Urban Areas' tier in Table 2. The parties are supportive of this designation as it is in line with the settlements sustainability and capacity to support new growth. The market town contains an extensive range of services capable of meeting the day to day needs of residents and is capable of supporting growth of a major scale. This provision, however, is not set out anywhere in EP01.

2.4 Hadleigh is a historic market town, and as the second largest settlement in Babergh District the town continues to play an important role as a local employment and service centre for smaller settlements. Hadleigh contains a range of shops, services and community infrastructure. This includes two national supermarkets and a convenience store, a post office and post delivery office, numerous retail, food and beverage outlets and a wide range of other retail such as butchers, hairdressers, bakeries, florists and other independent shops.

2.5 In terms of education, Hadleigh contains nurseries, three primary schools and a secondary school. The town also has two pharmacies, a dental surgery and a large health centre providing a range of medical services. In addition, there are a variety of sporting and leisure facilities in the town, such as Hadleigh pool and leisure centre, a skatepark, bowling green and Hadleigh football, tennis, cricket, and rugby grounds, which partially serve extensive local sporting groups. In terms of employment opportunities, in addition to the high street a large industrial estate is located in the north-east of the town containing a range of local employment opportunities. Hadleigh is also located close to Ipswich and Sudbury, which contain additional strategic employment sites. Travel to these settlements is available via a convenient bus service, with both

towns also containing a train station that allow sustainable onward travel to locations farther afield. Colchester and Manningtree Stations lie within easy travel distance for commuting to London and other centres.

2.6 It is therefore clear that Hadleigh has been correctly identified as a market town that is capable of supporting major growth and should be a focus for new allocations as one of the most sustainable locations in the district. However, the parties contend that the Councils evidence base does not show that Hadleigh's sustainability has been fully appreciated. As has been briefly set out above, Hadleigh contains an extensive range of services and facilities which are also capable of expansion, and the parties consider that the market town can sustainably support an additional proportion of growth above that allocated by the Joint Local Plan.

2.7 The Councils must demonstrate that the sustainability of all settlements including market towns has been appropriately assessed. The parties also consider that when assessing sustainability, in addition to taking into account existing services, the assessment should also allow for the fact that additional growth can in itself increase sustainability. This can for instance be through the provision of new services and facilities that can serve both existing and new residents, as well as increasing the vitality and viability of existing services and facilities to guarantee a settlements sustainability in the long term.

4.2 Is it sufficiently clear how policy SP03(1) would be applied to (a) development on sites allocated in the plan (b) applications for development not on sites allocated in the plan?

2.8 This question is for the Councils to answer. However, the parties do wish to draw the Inspector's attention to our Regulation 19 representations which stated that part 1 of Policy SP03 is currently not considered to be sound. The policy states a restriction against new development that 'would lead to visual or physical coalescence of settlements.' Visual coalescence is an unduly subjective term for which no definition is provided in Policy SP03 or its supporting text, nor in national policy. The policy wording is similarly vague with respect to physical coalescence. The policy is therefore not considered to

be effective or sound, as there is no certainty as to when a proposed development will be in compliance or conflict with this element of the policy and how it is to be consistently applied by the decision maker.

- 2.9 The parties consider that the relevant part of Policy SP03 should be modified to delete any reference to visual or physical coalescence.

4.3 Is the requirement to demonstrate "exceptional circumstances" for development outside of defined settlement boundaries in isolated locations consistent with NPPF paragraphs 79 and 83?

- 2.10 Part 3 of Policy SP03 provides a requirement for 'exceptional circumstances' to be demonstrated for development located outside of settlement boundaries in isolated locations. The policy wording is currently not clear and effective on several matters. Policy SP03 does not clarify what is meant in this instance by exceptional circumstances, it is therefore for the Councils to expand further and clarify that the policy is in accordance with paragraphs 79 and 83 of the NPPF.

- 2.11 Furthermore, Policy SP03 does not currently clearly define 'isolated location'. The policy could be read as meaning that any site located anywhere outside of a settlement boundary will be treated as an isolated location. This is neither a justified nor a reasonable approach to take. The suitability for development of a site located outside of a settlement boundary will differ based on where the site is located. For instance, a site located directly adjacent to a settlement boundary cannot be reasonably considered as 'isolated' if that site is well-connected to the settlement with the potential for good access to the services and facilities located inside that settlement and offering other policy benefits.

- 2.12 Policy SP03 must therefore be clarified to ensure that an undue restriction is not placed on sites that could sustainably provide additional development in the event that the housing needs of the district are not being met by current allocations.

4.6 Is the proposed distribution of development set out in policy SP04, based on robust and objective evidence and is it justified and consistent with national policy? Does the distribution appropriately reflect the Ipswich Strategic Planning Area-wide growth objectives?

4.7 Is it sufficiently clear how the numbers and percentages of new homes, by settlement hierarchy categories, set out in policy SP04 will be applied in the determination of planning applications for housing development?

- 2.13 Policy SP04 sets out the housing spatial distribution, providing the number of homes that are expected to be delivered through extant planning permissions and new allocations over the plan period. The number of homes are stated as being the minimum required, which is consistent with the approach taken in Policy SP01. The figures are broken down by each tier within the settlement hierarchies; additional detail is not provided in the policy. This detail is though now provided in the 'Topic Paper: Spatial Housing Approach' (EP03, March 2021) at Appendix A.
- 2.14 It is supported that in Babergh District the focus for the majority of new development are Market Towns and Urban Areas which are the most sustainable locations for development. This figure is confirmed as being 33% of the total new homes, equating to 3,161 dwellings. Appendix A of EP03 confirms that 746 dwellings of this total will be provided in Hadleigh across four sites, with the vast majority (600 dwellings) being provided on a single site, LA028.
- 2.15 The additional evidence produced by the Councils has not clarified the methodology behind the distribution of housing across each settlement and whether the distribution is appropriately meeting identified needs. The Councils state in G01 (April 2021) that the spatial distribution has at least in part been informed by the SHELAA, which has identified sites that are 'suitable' for allocation. The parties consider that the utilisation of the SHELAA to inform the distribution of growth is not justified due to the issues with the process that are discussed in answer to 4.10 below.

2.16 The Councils therefore still need to provide a justification for the distribution of housing, in particular the low supply for the Babergh Market Towns / Urban Areas. This should be justified by providing a breakdown of the requirement for each settlement, to demonstrate that the proposed supply will be sufficient to meet the existing need and there will be no shortfall. As discussed in answer to 4.1 above, the parties consider that the Market Towns / Urban Areas are capable of sustainably accommodating additional homes, in particular at Hadleigh.

2.17 Further to the above, Policy SP03 states that the identified dwelling numbers are minimum figures. However, the figure in the associated tables could be misinterpreted to unreasonably justify placing a limit on development within each tier of the settlement hierarchy that goes above the identified figures. This would conflict with the national imperative for local authorities to plan to significantly boost their housing supply, as stated in paragraph 59 of the NPPF. The parties therefore consider that Policy SP03 needs to make clear that the identified dwelling figures are not targets and efforts will be made to allow additional growth where appropriate and sustainable. This will also allow for the flexibility that is needed to ensure additional growth can be delivered within the plan period if required without having to rely on a review of the plan, which can be a slow process.

4.9 The Councils have stated that "the settlement hierarchy and the distribution of development between settlement categories have not been of particular significance in the selection of housing sites, to the extent that they might be overriding of other factors" (paragraph 4.01 of Doc G01). In view of this is it justified and effective to require existing permissions/housing allocation sites which are not implemented to be offset by other sites within the same Neighbourhood Plan Area?

2.18 The supporting text for Policy SP04 (paragraph 09.11) states that the offset number of dwellings of currently extant permissions (as of 01 April 2018) that expire during the plan period must be identified within the same Neighbourhood Plan area. Table 04 provides a breakdown of identified extant permissions compared to the total homes required in Babergh. This strategy is

currently not clear or justified.

- 2.19 Firstly, there is no clarification provided on how the Councils propose to secure replacement development within the same Neighbourhood Plan area. The Joint Local Plan has not identified alternative reserve sites that may fulfil this purpose. If the replacement sites are to be secured through allocations in a relevant Neighbourhood Plan, there is no mechanism currently available through which the Councils would be able to guarantee a review of the Neighbourhood Plan to allow the allocation of additional sites. Even if such a mechanism was available, the extant permissions in a certain Neighbourhood Plan area may expire at different times. It would be neither reasonable nor practical to expect a Neighbourhood Plan Group to carry out multiple reviews over a short period of time.
- 2.20 The above also assumes that a Neighbourhood Plan is actually in place for the relevant area. The Councils proposed strategy does not state what is to happen in cases where the preparation of a Neighbourhood Plan is delayed by a significant time period, or in cases where there are no plans at all to prepare a Neighbourhood Plan. For instance, site SS0221 is located within the Hadleigh Neighbourhood Plan Area which was designated in June 2015. Six years on, the preparation of the Neighbourhood Plan is still ongoing.
- 2.21 This is a particularly important matter that needs to be properly considered in light of the challenges faced by both districts in delivering sufficient levels of housing to meet targets in past years, as acknowledged at paragraph 09.02 of the Joint Local Plan. The parties consider that the risk of a housing delivery shortfall caused by the lapse of extant permissions should instead be mitigated through the allocation of additional sites, which will build additional flexibility into the housing supply and ensure there is no under-delivery.

4.10 Have the housing sites allocated in the plan been selected against possible alternatives using a robust and objective process?

- 2.22 This question is answered in relation to Land east, west and south of Hook Lane, Hadleigh, identified in the SHELAA (EH06, October 2020) with the site

reference SS0221.

- 2.23 The site has been promoted at previous stages of the Local Plan preparation process on behalf of the parties, which included the submission of a delivery statement at the Regulation 18 stage, prepared on behalf of the landowners (Mr & Mrs Price) by Pigeon Investment Management. The landowners have subsequently been working closely with residential developer Ballymore Group to promote the site having established its deliverability credentials through completed baseline studies. The submitted delivery statement set out the suitability of the site; despite this and previous representations, the site is identified in Appendix E of the SHELAA as a 'discounted site'.
- 2.24 A single brief reason is provided for discounting the sites listed in Appendix E. There is no evidence available that the Councils have undertaken a robust and proper assessment of the site in accordance with the SHELAA methodology to determine that the site is not suitable for development. For instance, the reason for discounting SS0221 is given as '*Site has poor connectivity to the existing settlement and lies within an area of high heritage sensitivity.*' There is no further explanation of the process through which the decision to discount the site based on this reason has been reached. Indeed, there is no evidence of the overall criteria that have been considered when assessing the site. The Councils should provide justification for why this reason is considered to have sufficient weight to outweigh other matters that demonstrate the suitability of the site. It is noted for instance that other sites allocated in Hadleigh have heritage (among other matters) as a potential constraint to suitability of the site.
- 2.25 The Inspector is directed to our previous representations wherein the suitability of SS0221 has been discussed in detail. This includes demonstrating that the Council's own evidence (EE05) indicates that the site is in fact located in an area with a low heritage value. It is also considered that there are no constraints specific to the site that would hinder connectivity to Hadleigh. Indeed, the existing Hadleigh Railway Walk located to the west of the site and access through the neighbouring housing estate to the north allows the potential for better connectivity to facilities in the town than for other sites

allocated in Hadleigh.

- 2.26 It is therefore considered that the Councils have not gone through an appropriate and robust process in assessing alternative sites. There is no evidence available that the discounted sites have been assessed through the same SHELAA methodology as allocated sites. The discounted site SS0221 has not been adequately assessed and its discounting cannot be justified by the Councils' own evidence base. The parties have previously submitted detailed information demonstrating that the site is suitable, available and deliverable but the Councils appear to have had no regard to the submitted representations and have erroneously ruled out a site that could deliver much needed homes in a sustainable location. Accordingly, it has not been demonstrated that the most sustainable growth option for Hadleigh is being pursued by the JLP.