



James Bailey
PLANNING

Document: Hearing Statement - Examination of the Babergh and
Mid Suffolk District Council Local Plan Review
(2018-2037)

Title: Matter 9 – Allocation Sites for Housing and Other Development
and Settlement Boundaries

Client: Taylor Wimpey UK Ltd.

Date: August 2021

Hearing Statement

**Matter 9 – Allocation Sites for Housing and Other Development
and Settlement Boundaries**

**Statement on behalf of Taylor Wimpey UK Ltd. in relation to LA066: Land west
of Station Road, Elmswell**

**Examination of the Babergh and Mid Suffolk District Council Local Plan
Review 2018-2037**

August 2021

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our client Taylor Wimpey UK Ltd. in respect of Matter 9 – Allocation Sites for Housing and Other Development and Settlement Boundaries of the Inspector’s “Matters, Issues and Questions” for the Examination of the Babergh and Mid Suffolk Joint Local Plan.
- 1.2 The Statement is intended to assist the Inspector’s review of the questions raised in Matter 9, which is due to be considered for the discussion at the Examination Hearing session on Monday 1st November 2021.
- 1.3 It should also be read in conjunction with the requested Site Response Forms submitted and supplied to BMSDC during July 2021.

Question 9.1 Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based; are the criteria and requirements set out in the relevant policies justified and effective; and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan? [Note: in responding to this question please be clear about the site(s) you are referring to using the site name referred to in the plan and the relevant “LA” number reference (eg LP045: Land south of Tamage Road, Action) or the Policy LS01 list number (eg LS01(45): Cotton: Land north of Mendlesham Road)]

- 1.4 Overall, Taylor Wimpey support the allocation of site LA066, land west of Station Road, Elmswell in the Joint Local Plan. We have sought to answer the above question 9.1 by splitting it into its constituent parts as follows:
- 1.5 ***Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based?***
- 1.6 During the Matter 4 preliminary session between the Councils’ and the Inspectors’ on the 21 July 2021, there was a discussion over the absence of published evidence as to why sites have been either “selected” or “dismissed”, including the Councils’ final decision on an appropriate number of houses required for individual settlements.
- 1.7 This conversation concluded with the Inspector struggling to find the evidence in order to judge the ‘soundness’ of the proposed spatial strategy. Indeed, the Inspector confirmed that a crucial piece of evidence was not publicly available, which related to the site assessments regarding discounted sites. It is therefore unhelpful that the submission deadline for the Matter 9 Hearing Statements is before this further evidence work is available for all interested parties to review, consider, and comment on.

- 1.8 ***Are the criteria and requirements set out in the relevant policies justified and effective?***
- 1.9 We have noticed that there are some inconsistencies between the site allocation policies, including differing levels of detail for different sites. For example, it has been noticed that some allocations refer to specific infrastructure requirements for a particular site, whilst others do not. Although it is positive and commendable that site specific policy requirements are being sought, an absence of specific policies for all sites does bring into question whether there is evidence or full assessments against each of the sites and their policies.
- 1.10 These inconsistencies often include disparities between specific developer contributions; references to increase discharge on watercourses; whether there are sewer and mains in Anglian Waters' ownership; drainage considerations; and individual constraints being picked out. For example, some site allocations refer to a specific number of rights of ways crossing the site, whereas others refer to generic rights of way. LA066 also includes a specific bullet point on the need for an archaeological assessment and measures for managing impacts on archaeological remains provided, which clearly isn't a requirement on every allocated site policy but the likelihood of archaeological assessment will still be required.
- 1.11 In addition to these points there is also emphasis on the word 'new' on certain infrastructure projects. However, it is observed that this isn't repeated in other instances where the same infrastructure project will undoubtedly be referred to.
- 1.12 Taylor Wimpey therefore do have concerns with policy LA066 and recent pre-app discussions with Mid Suffolk District Council and Suffolk County Council regarding the need to safeguard land for a future relief road. A relief road does not feature as a criteria point in the policy for LA066, nor is there an adopted Neighbourhood Plan where such a relief road features. A relief road of the magnitude required here and obstacles to overcome (both physically and figuratively) here would need to be planned for in a Local Plan, and the Joint Local Plan, nor its infrastructure delivery plan, or even the County Council's Local Transport Plan makes no mention of it.
- 1.13 Overall, it appears that there is an inconsistent approach being applied to the policies for the site allocations, and whether there is full and equal assessment being applied consistently to all of the sites. This raises the question as to whether the policies are therefore justified and effective.
- 1.14 ***Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?***
- 1.15 LA066: Land west of Station Road, Elmswell is a viable and deliverable site that is in the control of a national housebuilder.

1.16 The site will therefore be brought forward ahead of the timescales indicated in the Housing Trajectory of delivery from 2025-26.

1.17 Pre-application discussions have already taken place Mid Suffolk District Council and Suffolk County Council Officer, and an application for planning permission is expected to be submitted in October and November 2021.

9.2 Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?

1.18 No comment.

9.3 Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

1.19 No comment.

9.4 Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?

1.20 No comment.

9.5 Is the “contributions to the satisfaction of the LPA, towardsxxxx” wording used in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?

1.21 Taylor Wimpey strongly disagree with this approach.

1.22 There may be many circumstances where contributions are not required at the time of application as the position has changed, for example where a school forecast changes so there are surplus places, or a possible change in strategy. It is therefore only right that the LPA are able to make that judgment at that time of an application, based on statutory consultee responses and not be forced into a historic line of thinking by a fixed policy position, which may not be CIL 122 compliant at that time.

9.6 Are the settlement boundaries as shown on the policies map justified and effective?

1.23 Yes. The amendments to the settlement boundary for Elmswell are agreed with, in terms of allocating LA066 Land west of Station Road, Elmswell.

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Hearing Statement

**Matter 9 – Allocation Sites for Housing and Other Development
and Settlement Boundaries**

**Statement on behalf of Taylor Wimpey UK Ltd. in relation to LA078: Land south
of Stowmarket Road, Stowupland**

**Examination of the Babergh and Mid Suffolk District Council Local Plan
Review 2018-2037**

August 2021

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our client Taylor Wimpey UK Ltd. in respect of Matter 9 - Allocation Sites for Housing and Other Development and Settlement Boundaries of the Inspector's "Matters, Issues and Questions" for the Examination of the Babergh and Mid Suffolk Joint Local Plan.
- 1.2 The Statement is intended to assist the Inspector's review of the questions raised in Matter 9, which is due to be considered for the discussion at the Examination Hearing session on Monday 1st November 2021.
- 1.3 It should also be read in conjunction with the requested Site Response Forms submitted and supplied to BMSDC during July 2021.

Question 9.1 Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based; are the criteria and requirements set out in the relevant policies justified and effective; and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan? [Note: in responding to this question please be clear about the site(s) you are referring to using the site name referred to in the plan and the relevant "LA" number reference (eg LP045: Land south of Tamage Road, Action) or the Policy LS01 list number (eg LS01(45): Cotton: Land north of Mendlesham Road)]

- 1.4 Overall, Taylor Wimpey support the site LA078, land south of Stowmarket Road, Stowupland being allocated in the Joint Local Plan. We have sought to answer the above question 9.1 by splitting it into its constituent parts as follows:
- 1.5 ***Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based?***
- 1.6 During the Matter 4 preliminary session between the Councils' and the Inspectors' on the 21 July 2021, there was a discussion over the absence of published evidence as to why sites have been either "selected" or "dismissed", including the Councils' final decision on an appropriate number of houses required for individual settlements.
- 1.7 This conversation concluded with the Inspector struggling to find the evidence in order to judge the 'soundness' of the proposed spatial strategy. Indeed, the Inspector confirmed that a crucial piece of evidence was not publicly available, which related to the site assessments regarding discounted sites. It is therefore unhelpful that the submission deadline for the Matter 9 Hearing

Statements is before this further evidence work is available for all interested parties to review, consider, and comment on.

- 1.8 ***Are the criteria and requirements set out in the relevant policies justified and effective?***
- 1.9 We have noticed that there are some inconsistencies between the site allocation policies, including differing levels of detail. For example, it is noticed that some allocations refer to specific infrastructure requirements for a particular site, whilst others do not. Although it is positive and commendable that site specific policy requirements are being sought, and absence across all sites does bring into question whether there is evidence or full assessments against all of the sites and policies.
- 1.10 These inconsistencies often include disparities between specific developer contributions; references to increase discharge on watercourses; whether there are sewer and mains in Anglian waters ownership; drainage considerations; and individual constraints being picked out. For example, some site allocations refer to a specific number of rights of ways crossing the site, whereas LA078 seems to refer generically to rights of way. LA078 also includes a specific bullet point on the need for a full assessment of increased discharge on the watercourse, which clearly isn't a requirement on every policy but likely to still be applicable.
- 1.11 In addition to these points there is also emphasis of the word 'new' on certain infrastructure projects. However, it is observed that this isn't repeated in other instances where the same infrastructure project will be undoubtedly referred to.
- 1.12 Specifically, we have concern with criteria X of Policy LA078, which states; *"if required at the time of a planning application, a free services site of 3ha should be reserved for the setting of a pre-school and primary school"*. This approach has since been followed up by Suffolk County Council in their Reg 23 submission response (24th December 2020), stating the pre-school and primary school elements should be separated and that a policy amendment is required so that a site of 0.12ha is secured for the pre-school, which is deemed separate to a new primary school site. This is a very important point to consider as the site is being brought forward, as Suffolk County Council are suggesting that the early years setting is a 'known' requirement, whilst the primary school provision remain 'unclear'. It is suggested that an improvement to this policy would be to confirm the position regarding whether the new school is actually needed; if the existing primary school can be expanded; or if another strategy is deliverable.

- 1.13 Overall, it appears that there is an inconsistent approach being applied to the policies for the site allocations, which questions whether the policies are therefore justified and effective.
- 1.14 ***Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?***
- 1.15 LA078: Land south of Stowmarket Road, Stowupland is a viable and deliverable site that is in the control of a national housebuilder.
- 1.16 The site will therefore be brought forward ahead of the timescales indicated in the Housing Trajectory of delivery from 2028.
- 1.17 Pre-application discussions have already taken place Mid Suffolk District Council and Suffolk County Council Officer, and an application for planning permission is expected to be submitted in October and November 2021.
- 1.18 Should a primary school be necessary on this site, this will undoubtedly have an impact on the layout and appearance of the development which will result in a much higher density development. The proposed development would have a strong relationship with the existing built form along Stowmarket Road. In addition, landscape proposals as part of the new development could enhance the sense of arrival into Stowupland, for example the provision of an avenue of trees along Stowmarket Road.

9.2 Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?

- 1.19 No comment.

9.3 Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

- 1.20 No comment.

9.4 Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?

- 1.21 No comment.

9.5 Is the “contributions to the satisfaction of the LPA, towardsxxxx” wording used in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?

- 1.22 Disagreed. There may be circumstances where contributions are not required at the time of application as the position has changed (i.e. school forecasts change so there are surplus places or a change in strategy). It is only right that the LPA are able to make that judgment at that time based on statutory consultee responses and not be forced by a fixed policy position which may not be CIL 122 compliant at that time.

9.6 Are the settlement boundaries as shown on the policies map justified and effective?

- 1.23 Yes – the amendments to the settlement boundary for Stowupland are agreed with, in terms of allocating LA078 land south of Stowmarket Road, Stowupland.

***August 2021
JBPL***

