



## Cabinet 1 February 2012

### Recommendations from Sustainable Development Working Party: 31 January 2012 (Feb12/06)

*Cabinet Member:*  
*Cllr Terry Clements*

*Chairman of the Working Party:*  
*Cllr Richard Rout*

**1. Joint Suffolk Section 106 Supplementary Planning Document  
(Report C331)**

***RECOMMENDED:-***

***That subject to the approval of full Council, the revised joint Suffolk Section 106 Supplementary Planning Document, as contained in Appendix 2 to Report C331, be adopted.***

Suffolk County Council and the local planning authorities in Suffolk are seeking to introduce a 'joint Suffolk Section 106 document'. This document will provide consistent guidelines for local planning authorities in Suffolk on the types of planning obligations which may be sought from developers. Consultation in respect of the draft document was carried out between March and May 2011.

Following consultation, a summary of comments received together with officers' responses was prepared and the draft Supplementary Planning Document amended. The Borough Council's original consultation response incorporated the comments made by the Sustainable Development Working Party on 12 April 2011, which was subsequently endorsed by the Cabinet on 27 April 2011 (Minute 154 (2) refers.)

**2. Air Quality Management and New Development: Draft Supplementary  
Guidance (Report C332)**

***RECOMMENDED:-***

***That subject to the approval of full Council, the revised Air Quality Management and New Development Supplementary Guidance, as contained in Appendix 2 to Report C332, be adopted as a protocol for dealing with planning applications.***

Suffolk County Council and the local planning authorities in Suffolk are seeking to introduce Supplementary Guidance in respect of Air Quality Management and New Development. The document will assist both developers and local authorities in the preparation of information required to support planning applications in relation to

air quality. Consultation in respect of the draft document was carried out between February and April 2011.

Following consultation, a summary of comments received together with officers' responses was prepared and the draft Supplementary Guidance amended. The Borough Council's original consultation response incorporated the comments made by the Sustainable Development Working Party on 12 April 2011, which was subsequently endorsed by the Cabinet on 27 April 2011 (Minute 154 (3) refers.)

### **3. Mid Suffolk District Council Core Strategy: Focused Review Submission Consultation (Report C333)**

#### ***RECOMMENDED:-***

***That in response to the consultation on Mid Suffolk District Council's Core Strategy Focused Review, the Borough Council maintains its objection detailed in paragraphs 3.4.2 to 3.4.4 of Appendix A to Report C333, in respect of:-***

- (1) the lack of evidence to support the proposed jobs planned in Mid Suffolk; and***
- (2) the allocation of land as a strategic site for employment site at Stowmarket.***

On 23 November 2011, the Cabinet considered a report on the focused review of Mid Suffolk District Council's (MSDC) Core Strategy (Report C236 refers). The report explained that the District Council had commenced consultation on a focused review in response to concerns raised by the Planning Inspector in relation to the content of the Stowmarket Area Action Plan.

A copy of Report C236, 'Mid Suffolk District Council Core Strategy: Focused Review Consultation', was attached as Appendix A to Report C333. The concerns were detailed in paragraphs 3.4.2 to 3.4.4 of Report C236, which in summary were, that the District Council:-

- (a) had not used the Employment Land Review commissioned jointly by the Borough Council, MSDC and Forest Heath District Council and the Suffolk County Council to inform the number of jobs they are planning for; and
- (b) were identifying a strategic site for employment at Stowmarket that, by nature of its size and open employment uses, could undermine the delivery of the adopted St Edmundsbury Core Strategy and the strategic site at Suffolk Business Park.

These concerns were endorsed by the Cabinet on 23 November 2011 (Minute 60 refers).

On 11 January 2012, MSDC published the proposed submission version of the Core Strategy Focused Review for consultation. The current consultation includes a supporting statement in response to the previous consultation, which sets out a summary of responses and the District Councils response to them. MSDC does not accept the Borough Council's concerns relating to the supporting evidence in the

joint Employment Land Review to justify the number of jobs being planned. They also consider that, while the proposed changes acknowledge the strategic nature of the proposed employment allocation at Mill Lane, Stowmarket but that the detailed evidence for supporting the allocation is contained within the Stowmarket Area Action Plan.

The Working Party remains of the opinion that the Borough Council's previous concerns have not been resolved. It is also considered that the decision not to have regard to the jointly prepared Employment Land Review may not conform with the new 'Duty to Co-operate' introduced in the recently enacted Localism Act 2011 and therefore considers its previous objections be maintained.

**4. St Edmundsbury Local Development Framework: Draft Bury St Edmunds Vision 2031: Consultation (Report C298)**

***RECOMMENDED:- That,***

- (1) the draft Bury St Edmunds Vision 2031 document, as contained in Appendix A to Report C298, be approved for public consultation; and***
- (2) delegated authority be given to the Director of Economy and Environment, in consultation with the Portfolio Holder for Planning and Transport, to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes.***

**5. St Edmundsbury Local Development Framework: Draft Haverhill Vision 2031: Consultation (Report C307)**

***RECOMMENDED:- That,***

- (1) the draft Haverhill Vision 2031 document, as contained in Appendix A to Report C307, be approved for public consultation; and***
- (2) delegated authority be given to the Director of Economy and Environment, in consultation with the Portfolio Holder for Planning and Transport, to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes.***

**6. St Edmundsbury Local Development Framework: Draft Rural Vision 2031 (Report C292)**

***RECOMMENDED:- That,***

- (1) the draft Rural Vision 2031 document, as contained in Appendix A to Report C292, be approved for public consultation; and***
- (2) delegated authority be given to the Director of Economy and Environment, in consultation with the Portfolio Holder***

***for Planning and Transport, to make any necessary minor typographical, grammatical or similar textual changes to the draft prior to publication for consultation purposes.***

The Borough Council has made a commitment to prepare holistic vision documents for Bury St Edmunds, Haverhill and the Rural Area to cover the period to 2031. The vision will cover both planning and corporate priorities for the town and will form part of the Local Development Framework. Ultimately it will supersede the Replacement St Edmundsbury Borough Local Plan that was adopted in 2006.

Initial consultation on the issues for all three areas took place between February and May 2011. The observations received during the Issues and Options consultation have assisted in the preparation of the first draft Vision 2031 documents for consultation.

A comprehensive update of the Issues and Options consultation responses, together with officer responses will be published as part of the consultation. In addition, sites which have been submitted to the Borough Council by landowners and developers for inclusion in all three Vision 2031 documents, but have not been included in the draft consultation documents, are set out in one separate report that will be published alongside the consultation documents. A full Sustainability Appraisal of the draft has also been undertaken, as required by the regulations for the preparation of planning policy documents, and this will also be published at the time of consultation.

Consultation will commence on 1 March 2012 and last until 30 April 2012.

***(The contents of Items 4, 5 and 6 above will be considered alongside the Cabinet's discussion on Reports C324, C325 and C326, Recommendations from the Rural, Bury St Edmunds and Haverhill Area Working Parties: 23, 24 and 26 January 2012 respectively, which also considered each respective Vision 2031 document.)***

**7. Forest Heath District Council/St Edmundsbury Borough Council: Joint Development Management Policies Committee (Report C340)**

*(The Chairman of the Sustainable Development Working Party had agreed that this item should be considered as a matter of urgency, in accordance with S100B(4) of the Local Government Act 1972, in order that the matter could be resolved within the necessary timescale)*

***RECOMMENDED:- That,***

- (1) a Joint Development Management Policies Committee with Forest Heath District Council be established in accordance with the protocol contained in Appendix A of Report C340; and***
- (2) the delegated authority arrangements regarding the dealing with minor changes to the joint Development Management Policies Development Plan Document, as set out in Appendix A to Report C340, be approved.***

The Sustainable Development Working Party has previously considered and agreed to the preparation of a joint Development Management Policies Development Plan document with Forest Heath District Council. On 8 November 2011, the Working Party recommended to Cabinet that the Preferred Options draft document be published for consultation (Cabinet Minute 57 (C): 23 November 2011 refers). That consultation is currently underway.

Because of the joint nature of the document, there needs to be a mechanism for jointly agreeing proposed changes to the document as it is prepared. Report C340 therefore sought to agree the establishment of a Joint Committee for dealing with this document.

A draft protocol for the establishment of a Joint Committee was attached as Appendix A to Report C340. The Council's Constitution allows Cabinet to establish joint committees with neighbouring authorities in order to exercise its functions. Membership would be drawn from Cabinet Members because this is an executive function. It is considered that the establishment of such a Committee in this instance will help expedite the preparation of this Development Plan document, which forms part of the Local Development Framework for both Planning Authorities. The proposal was considered by Forest Heath District Council at its special meeting of full Council on 25 January 2012 when it was agreed to establish a Joint Committee.

Attached for ease of reference is Appendix A to Report C340.

W:\Democratic WP Services\Committee\Reports\Cabinet\2012\12.02.01\C323 Recommendations from the Sustainable Development Working Party 31 January 2012.doc

**Procedure for agreeing major and minor changes to the joint St Edmundsbury and Forest Heath Development Management Document**

As part of the Local Development Framework, a joint Development Management document is being produced by officers at St Edmundsbury and Forest Heath District Councils. In order to gain approval to consult on drafts of the document, and ultimately submit the document for independent examination and adoption, the documents iterations will need to go through the different committee processes at the respective authorities.

There is a need for the document to go through the Committee process on three separate occasions as set out below;

<b>Timetable</b>	<b>Stage of Preparation</b>	<b>Recommendation</b>
Autumn 2012	Proposed Submission Draft	Approval and recommendation for consultation
Early 2013	Submission Draft	Approval to submit for independent planning examination
Autumn 2013	Final Version	Approval to adopt

The path the document would normally take through Committee at each of the respective authorities is set out below;

	<b>St Edmundsbury</b>	<b>Forest Heath</b>	<b>Purpose</b>
1	Sustainable Development Working Party	Local Development Framework Working Group	Recommendation for approval and consultation
2	Cabinet	Planning Committee	Approve Working Group/ Working Party recommendations
3	Full Council**	Full Council **	Recommendation for approval

\*\* For submission and adoption stages only.

This paper sets out a protocol for the agreement of any changes arising from the respective authorities' committee processes.

The types of changes which are likely to arise during the committee process can be classed as minor and major.

**Minor Changes**

Minor changes comprise minor typographical, grammatical and/or factual changes and major changes are anything beyond this which would materially alter the meaning or interpretation of the document. The process for agreeing to minor changes is set out below.

No change is proposed to the Committee structure in either Authority and the following delegation is required to agree changes:

## APPENDIX A

**Delegated authority be given to the joint Head of Planning or the Planning Manager in both Local Authorities, in consultation with St Edmundsbury Borough Council's Portfolio Holder for Planning and Transport and the Chairman of Forest Heath District Council's Local Development Framework Working Group, to agree all minor typographical, grammatical and/or factual changes.**

### Major Changes

It is proposed that a Joint Committee be established in place of the separate Forest Heath Planning Committee and St Edmundsbury Cabinet to agree any major changes coming out of the working group meetings.

The Joint Committee between St Edmundsbury Borough Council and Forest Heath District Council shall comprise of 6 Members, 3 appointed by each authority. In addition, each authority will be able to appoint 2 substitutes who each may attend meetings of the Joint Committee in the absence of that authority's Committee members.

Each authority through its Committee members will have one vote at meetings of the Joint Committee. The purpose of one vote per authority is to ensure that decision making is based on a consensus between the two authorities. It also assumes that there is a consensus within each authority.

Where a decision cannot be reached, the matter will be referred back to Officers for further consideration, before the matter is reconsidered by the Working Group.

The Chairman and Vice Chairman of the Joint Committee will alternate annually between the authorities, with the Chairman elected from one authority and the Vice Chairman from the other authority.

The proposed Committee process for the Joint Development Management Policies can be summarised as:

	<b>St Edmundsbury</b>	<b>Forest Heath</b>	<b>Purpose</b>
1	Sustainable Development Working Party	Local Development Framework Working Group	Recommendation for approval and consultation
2	Joint Development Management Policies Joint Committee *		Approve Working Group/ Working Party recommendations
3	Full Council**	Full Council **	Recommendation for approval

\* Papers noted by Forest Heath Planning Committee and St Edmundsbury Cabinet

\*\* For submission and adoption stages only.