



## Council 23 September 2014

### Schedule of Referrals from Cabinet

#### (A) Referrals from Cabinet: 2 September 2014

##### 1. Annual Treasury Management Report 2013/2014

**Decisions Plan Reference:** Sep14/08  
**Cabinet Member:** Cllr David Ray

**Report F95**  
**(Treasury**  
**Management Sub-**  
**Committee Report**  
**F69)**

#### **RECOMMENDED:**

***That the Annual Treasury Management Report for 2013/2014, attached as Appendix 1 to Report F69, be approved.***

The Council's Annual Treasury Management Investment Report (Report F69 refers) summarises the investment activities for the year 2013/2014 and is required by the Chartered Institute of Public Finance and Accountancy to be produced and approved by full Council each year.

The total amount invested at 1 April 2013 was £32.9 million and at 31 March 2014 £34.25 million. The increase in investment balances over this period was due primarily due to timing differences in respect of the collection of Non-Domestic Rates and capital expenditure and receipts. The budget income from investments in 2013/2014 was £0.619 million. Interest actually earned during the year totalled £0.511 million; an underachievement of £0.108 million against budget. This was mainly due to the continuing low base rate which affected the rates achieved when re-investing maturing investments.

The establishment of the Interest Equalisation Earmarked Reserve, as agreed by Council in February 2005 is designed to assist in smoothing out year-on-year variations in planned investment returns; the idea being that the budgetary surplus in investment returns in one year can be used to help fund budgetary deficient in another. As at 31 March 2014 the balance on this reserve was £0.227 million. In view of the overall general fund budget outturn for 2013/2014, the budgetary deficit for interest receipts has not been debited from the Interest Equalisation Earmarked Reserve.

## **2. Eastern Relief Road, Bury St Edmunds**

**Decisions Plan Reference:** Sep14/03  
**Cabinet Member:** Cllr John Griffiths

**Report F97**

### **RECOMMENDED:**

***That, subject to the Section 151 and Monitoring Officers being satisfied with the outcome of due diligence, the original £2.5 million loan to Churchmanor be changed to a capital investment along with an additional £0.5 million to be allocated to the Eastern Relief Road (ERR) project in St Edmundsbury Borough Council's (SEBC) capital programme, funded from capital receipts.***

The Eastern Relief Road (ERR) project is an ambitious, exciting project which is extremely significant for the growth of Bury St Edmunds and the wider West Suffolk region. Once constructed, the ERR will open up 68 hectares of employment land; land for about 500 homes; a secondary school site; leisure and community opportunities; and motorist facilities associated with the A14. The estimated cost of the ERR project is £15 million. New Anglia Local Enterprise Partnership (NALEP) has committed £10 million and Suffolk County Council has allocated a further £2 million.

A set of three recommendations was tabled at the Cabinet meeting to replace those provided in Report F97, which sought to clarify certain issues. The proposal being presented to full Council is that subject to undertaking due diligence procedures, the Borough Council allocates £3 million in its Capital Programme to be used to bring forward the ERR. The £3 million would include the original £2.5 million loan previously agreed in 2010 with developer, Churchmanor plus a further capital allocation of £0.5 million.

Price Waterhouse Coopers (PwC) have been instructed by the Borough Council to undertake an assessment of the investment opportunity which will enable the Council to be assured that it has carried out the due diligence necessary; that the case for investment involvement is proven (or not); and that it understands the associated risks with the delivery/investment model. Importantly, PwC will provide advice and assistance to the Council to ensure it receives the best return on its investment. Advice will also be sought as to the best structure for the legal agreement or agreements to be entered into by the Borough Council and the developer and landowner.

A further report will be brought to Cabinet on 21 October 2014 which will provide a project update and the details of the advice received from PwC.

In addition, delegated authority was sought from the Cabinet to allow an application to be made to enter into a loan arrangement with New Anglia Local Enterprise Partnership to enable the required electricity infrastructure works to be commissioned and installed in the area. This loan will be repaid from commercial lets as the employment land comes forward.

For information and in relation to the above, the following further two decisions were made by Cabinet on 2 September 2014:

*That:*

- (1) *A further report be brought to Cabinet on 21 October 2014 containing recommendations for the agreement or agreements to be entered into by SEBC and the developer and landowner to enable the development of the ERR and to enable SEBC to realise a return on its investment in line with the principles approved in the Medium Term Financial Strategy; and*
- (2) *subject to the Section 151 and Monitoring Officers being satisfied with the outcome of the due diligence referred to in (1) above, delegated authority be given to the Head of Economic Development and Growth, in consultation with the Leader of the Council, to make an application to and enter into a loan arrangement with the New Anglia Local Enterprise Partnership for £3 million from its Growing Places Fund to enable the electricity infrastructure works to be commissioned, as detailed in Section 4.9 of Report F97.*

### **3. Kedington Development Brief**

**Decisions Plan Reference:** Sep14/11  
**Cabinet Member:** Cllr Terry Clements

**Report F98  
(Sustainable  
Development Working  
Party Report F91)**

#### **RECOMMENDED:**

***That, the Development Brief for development of the site at Land at The Orchard, Land off Mill Road, Kedington, as set out in Appendix A of Report F91, be adopted as non-statutory planning guidance.***

The site at Land at The Orchard, Land off Mill Road, Kedington (previously referred to as 'Land at The Limes Cottage and adjoining land' in the emerging Rural Vision 2031 document) is allocated for approximately 40 dwellings in the emerging Rural Vision 2031 document under Policy RV13a. The policy requires prior preparation and adoption of a Development Brief for the site before planning permission can be granted by the Council. A draft Development Brief was subsequently prepared by KLH Architects and Tim Harbord Associates on behalf of Milton Investments Ltd. Local residents, statutory consultees and other interested parties were consulted on the draft Development Brief. The significant changes, which are annotated in the Draft Development Brief document, attached as Appendix A to Report F91, were made following public consultation.

The Cabinet is satisfied that the draft Development Brief and proposals within it, have been prepared in accordance with adopted Statement of Community Involvement and Protocol for the preparation of

Development Briefs and it recommends that it should, therefore, be adopted as informal planning guidance.

**(B) Referrals from Cabinet: 16 September 2014 (Extraordinary Meeting)**

*(These referrals have been compiled before the meeting of Cabinet on 16 September 2014 and are based on the recommendations contained within the relevant reports. Any amendments made by Cabinet to the recommendations will be notified prior to the meeting of Council.)*

**1. West Suffolk Housing Strategy**

**Decisions Plan Reference:** Mar14/03  
**Cabinet Member:** Anne Gower

**Report F115**

**RECOMMENDED:**

***The West Suffolk Housing Strategy, as contained in Appendix A to Report F115, be adopted.***

It is no longer a legal requirement for local authorities to have a Housing Strategy in place. However, it is recognised that a strategic overview is necessary to assess how the authority delivers a range of housing and related assets to the community. Following Cabinet approval, the draft West Suffolk Housing Strategy was subjected to public consultation. The draft strategy was displayed on the Council's website and forwarded to a range of stakeholders for a five week consultation which took place between 17 July and 20 August 2014.

Two stakeholder workshops were held, one each in Bury St Edmunds and Mildenhall, attended by 30 people. As well as the comments received during those discussions, 11 responses were received in addition to further comments from the Overview and Scrutiny Committee on 23 July 2014.

The new strategy takes account of latest government initiatives and good practice. The comments and suggestions received as part of the consultation process have been included where considered appropriate to do so.

**2. Bury St Edmunds Vision 2031, Haverhill Vision 2031 and Rural Vision 2031: Planning Inspector's Report and Adoption**

**Decisions Plan Reference:** Jun14/05  
**Cabinet Member:** Terry Clements

**Report F117  
(Sustainable  
Development  
Working Party  
Reports F108,  
F109 and F110)**

**RECOMMENDED: That**

- (1) In respect of Bury St Edmunds Vision 2031 (Report F108), the following documents be adopted:**
  - (a) Bury St Edmunds Vision 2031 (Appendix B to Report F108);**
  - (b) Vision 2031 Policies Map (Borough Map, Policies Map Book and Bury St Edmunds Inset Maps 1 and 2) (Appendix C to Report F108), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd's Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the removal of text 'BV16' on allocation BV14d (British Sugar) and amendment of the map key to read 'British Sugar – Areas North of Compiegne Way (BV16);**
  - (c) Habitat Regulations Screening Assessment for Bury St Edmunds Vision 2031 (Appendix D to Report F108); and**
  - (d) Sustainability Appraisal for Bury St Edmunds Vision 2031, (Appendix E to Report F108).**
- (2) In respect of Haverhill Vision 2031 (Report F109), the following documents be adopted:**
  - (a) Haverhill Vision 2031 (Appendix B to Report F109);**
  - (b) Vision 2031 Policies Map (Borough Map, Policies Map Book and Haverhill Inset Maps 3 and 4) (Appendix C to Report F109), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd's Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the**

**removal of text 'BV16' on allocation BV14d (British Sugar) and amendment of the map key to read 'British Sugar – Areas North of Compiegne Way (BV16);**

**(c) Habitat Regulations Screening Assessment for Haverhill Vision 2031 (Appendix D to Report F109); and**

**(d) Sustainability Appraisal for Haverhill Vision 2031 (Appendix E to Report F109).**

**(3) In respect of Rural Vision 2031 (Report F110), the following documents be adopted:**

**(a) Rural Vision 2031 (Appendix B to Report F110) subject to the amendment of the foreword on page three so the last sentence of the second paragraph reads 'As well as Rural Vision 2031....';**

**(b) Vision 2031 Policies Map (Borough Map, Policies Map Book - Appendix C to Report F110), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd's Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the removal of text 'BV16' on allocation BV14d (British Sugar) and amendment of the map key to read 'British Sugar – Areas North of Compiegne Way (BV16);**

**(c) Habitat Regulations Screening Assessment for Rural Vision 2031 (Appendix D to Report F110); and**

**(d) Sustainability Appraisal for Rural Vision 2031 (Appendix E to Report F110).**

1. Reports F108, F109 and F110 outlined the background to the formulation of the Vision 2031 documents, the consultation which had taken place on them and the subsequent independent examination of the Local Plan which had culminated in the issue of the Planning Inspector's Report.
2. The Inspector's role was to consider whether the Vision 2031 documents comply with relevant legislation and are sound. The National Planning Policy Framework [NPPF] makes it clear that in order to be found sound a Plan must be:

- (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - (c) **effective** – deliverable over its period and based on effective joint working; and
  - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF’s policies.
3. The Planning Inspector’s report concludes that Bury St Edmunds Vision 2031, Haverhill Vision 2031 and Rural Vision 2031 provide an appropriate basis for the allocation of sites for development in the towns and rural areas until 2031 and related matters, provided that a number of modifications are made to it. The main modifications are attached to the Inspector’s report as Appendices 1,2 and 3. The Borough Council specifically requested that the Inspector recommend any modifications necessary to enable the three Vision 2031 documents to be found sound and consequently adopted as a statutory Local Plan.
4. The examination process requires that the Inspector’s report and the main modifications are binding upon the Council if it decides to adopt the Vision 2031 documents. All of the main modifications suggested relate to matters discussed at the examination hearings. The purposes of the recommended modifications are summarised on page 4 of the Inspector’s report and are as follows:
- (i) **Bury St Edmunds Vision 2031**
    - (a) for the main development sites in Bury St Edmunds and Haverhill, clarification of the role of designated buffer land and the relationship between the adopted concept statements and the Vision 2031 documents, and other minor changes to assist with deliverability;
    - (b) clarification of the requirement for and timing of a masterplan or development brief on a number of the allocated sites;
    - (c) amending the policies for Ram Meadow, part of the British Sugar land, the Leg of Mutton Field and Rougham Airfield in Bury St Edmunds, to ensure that they are properly justified and effective;
    - (d) clarification of the policies that apply to out-of-centre retail proposals so that they effectively protect the vitality and viability of Bury St Edmunds and Haverhill town centres;
    - (e) deletion of policies on district heating networks which are unsound and legally non-compliant; and

- (f) other minor modifications necessary to ensure that all the policies are positively-prepared, justified, effective and consistent with national policy.

Additionally, in his report the Inspector stated at paragraph 110 (Policy BV17 Out-of-Centre Retail Proposals) the Council may need to make additional modifications to the document to reflect the change to the policy. Section 23(3)(b) of the Planning and Compulsory Act 2004 allows such additional modifications to be made to the plan before adoption. This additional modification has been made at paragraph 6.27 of the Bury St Edmunds Vision 2031 document. It should also be noted that minor factual changes have been made to main modification MMB25, the insertion of a new appendix to list the Replacement of saved St Edmundsbury Local Plan (2016) Policies. These factual changes update the policy numbering in the table and do not materially affect the policies, and as such fall into the category of additional modifications.

(ii) **Haverhill Vision 2031**

- (a) for the main development sites in Bury St Edmunds and Haverhill, clarification of the role of designated buffer land and the relationship between the adopted concept statements and the Vision 2031 documents, and other minor changes to assist with deliverability;
- (b) clarification of the requirement for and timing of a masterplan or development brief on a number of the allocated sites;
- (c) providing a robust mechanism to secure the provision of the Haverhill Relief Road;
- (d) clarification of the policies that apply to out-of-centre retail proposals so that they effectively protect the vitality and viability of Bury St Edmunds and Haverhill town centres;
- (e) deletion of policies on district heating networks which are unsound and legally non-compliant; and
- (f) other minor modifications necessary to ensure that all the policies are positively-prepared, justified, effective and consistent with national policy.

Additionally, in his report the Inspector stated at paragraph 169 (Policy HV11 Out-of-Centre Retail Proposals) the Council may need to make additional modifications to the document to reflect the change to the policy. Section 23(3)(b) of the Planning and Compulsory Act 2004 allows such additional modifications to be made to the plan before adoption. This additional modification has been made at paragraph 6.12 of the Haverhill Vision 2031



document. It should also be noted that minor factual changes have been made to main modification MMH15, the insertion of a new appendix to list the Replacement of saved St Edmundsbury Local Plan (2016) Policies. These factual changes update the policy numbering in the table and do not materially affect the policies, and as such fall into the category of additional modifications.

(iii) **Rural Vision 2031**

- (a) clarification of the requirement for and timing of a masterplan or development brief on a number of the allocated sites;
- (b) enabling an element of higher-value land uses at the Shepherd's Grove employment site to come forward if this is demonstrated to be necessary to make development there viable;
- (c) amendments to the development proposals for Barrow, Ixworth, Hopton and Wickhambrook to ensure that they are justified and effective;
- (d) clarification of the role of the phasing provisions in the rural development policies; and
- (e) other minor modifications necessary to ensure that all the policies are positively-prepared, justified, effective and consistent with national policy.

Additionally, in his report the Inspector stated at paragraph 190 (RV4 (j) Employment allocation at Shepherd's Grove, Stanton/Hepworth), that the Council may need to make additional modifications to the document to reflect the changes to the policy. These changes have been made to paragraphs 10.8 to 10.11 and 24.12. Section 23(3)(b) of the Planning and Compulsory Act 2004 allows such additional modifications to be made to the plan before adoption. It should also be noted that minor factual changes have been made to main modification MMR22, the insertion of a new appendix to list the Replacement of saved St Edmundsbury Local Plan (2016) Policies. These factual changes update the policy numbering in the table and do not materially affect the policies, and as such fall into the category of additional modifications.

5. **Final Vision 2031 documents**

The main modifications required by the Planning Inspector and the additional modifications suggested by Council officers, have been made to the Vision 2031 documents using ~~strikethrough~~ to indicate deletion and underline to indicate new text. The documents are attached as **Appendix B to Report F108** for Bury St Edmunds Vision 2031, **to**

**Report F109** for Haverhill Vision 2031 and **to Report F110** for Rural Vision 2031. If the Council is minded to adopt the Vision 2031 documents, it is these versions that will be adopted and become part of the Local Plan to be used in the determination of planning applications. The Borough Council cannot pick elements of the main modifications and discard others. For the document to be sound the Inspector requires that all the main modifications must be incorporated, if the Council is to adopt the Vision 2031 documents. Modifying a main modification or a policy that has not been changed through examination, would either go against the Inspector's requirements or result in a policy that has not been the subject of examination.

## 6. **Policies Map**

Regulations require that a Policies Map is published as a separate document upon the adoption of a Local Plan document. The Policies Map has been updated to reflect the modifications. The Borough Map and Complete Policies Map Book is identical for all three Vision documents and is referred to in **Reports F108, F109 and F110 as Appendix C** and due to its size is available online at:

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Complete%20Policies%20Map%20Book%20-%20compressed%20version%20-%20web.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Complete%20Policies%20Map%20Book%20-%20compressed%20version%20-%20web.pdf)

## 7. **Habitat Regulations Assessment (Screening) and Sustainability Appraisal**

As a result of the modifications, the Habitat Regulations (Screening) Assessment (HRA) and the Sustainability Appraisal (SA) documents have been updated. The HRA considered the impacts of policies in the Vision 2031 documents on sites of nature conservation interest and importance. The HRA reports conclude that there will be no likely significant effects arising from the other policies included in the Plan. The HRA reports are **Appendices D to Reports F108, F109 and F110** and due to their size are available online at:

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20D%20to%20Bury%20Report%20-%20Bury%20Vision%20HRA%20screening%20report%20August%202014.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20D%20to%20Bury%20Report%20-%20Bury%20Vision%20HRA%20screening%20report%20August%202014.pdf)

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20D%20to%20Haverhill%20Report%20-%20Haverhill%20Vision%20HRA%20screening%20report%20August%202014.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20D%20to%20Haverhill%20Report%20-%20Haverhill%20Vision%20HRA%20screening%20report%20August%202014.pdf)

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20D%20to%20Rural%20Report%20-%20Rural%20Vision%20HRA%20screening%20August%202014.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20D%20to%20Rural%20Report%20-%20Rural%20Vision%20HRA%20screening%20August%202014.pdf)

The conclusions of the Sustainability Appraisal report are that the main modifications result in non-significant changes to the effects that had been identified or strengthen the significance of the positive effects that had been identified. These are positive outcomes from a sustainability perspective. The Sustainability Appraisal reports are **Appendices E to Reports F108, F109 and F110** and due to their size are available online at:

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20E%20Bury%20Vision%20Main%20Modifications%20SA%20note%20&%20SA%20Report%20%20v5.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20E%20Bury%20Vision%20Main%20Modifications%20SA%20note%20&%20SA%20Report%20%20v5.pdf)

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20E%20Haverhill%20Vision%20Main%20Modifications%20SA%20Note%20&%20SA%20Report%20v5.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20E%20Haverhill%20Vision%20Main%20Modifications%20SA%20Note%20&%20SA%20Report%20v5.pdf)

[http://www.stedmundsbury.gov.uk/council\\_and\\_democracy/your\\_council/documents/reports/Appendix%20E%20Rural%20Vision%20Main%20Modifications%20SA%20Note%20&%20SA%20Report%20v5.pdf](http://www.stedmundsbury.gov.uk/council_and_democracy/your_council/documents/reports/Appendix%20E%20Rural%20Vision%20Main%20Modifications%20SA%20Note%20&%20SA%20Report%20v5.pdf)

8. For those Members that do not sit on the Sustainable Development Working Party (SDWP) , colour paper copies of the original reports considered by the SDWP (Reports F108, F109 and F110(all 726 pages)) are available from Democratic Services upon request.

T:\SEBC Democratic Services\Democratic WP Services\Committee\Reports\Council\2014\14.09.23\F120 - Schedule of Referrals from Cabinet.doc