



Great Barton Neighbourhood Plan Regulation 16 Submission Consultation: Local Planning Authority Response

Report No:	CAB/WS/20/048	
Report to and date:	Cabinet	21 July 2020
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

Wards impacted: Great Barton

Recommendation: **It is recommended that Cabinet:**

- 1. approves the Local Planning Authority's response to the Regulation 16 Great Barton Neighbourhood Plan submission consultation, as set out in section 3 of Report No: CAB/WS/20/048; and**
- 2. gives delegated authority to the Service Manager (Strategic Planning), to make minor non-material consequential changes to the response, as necessary.**

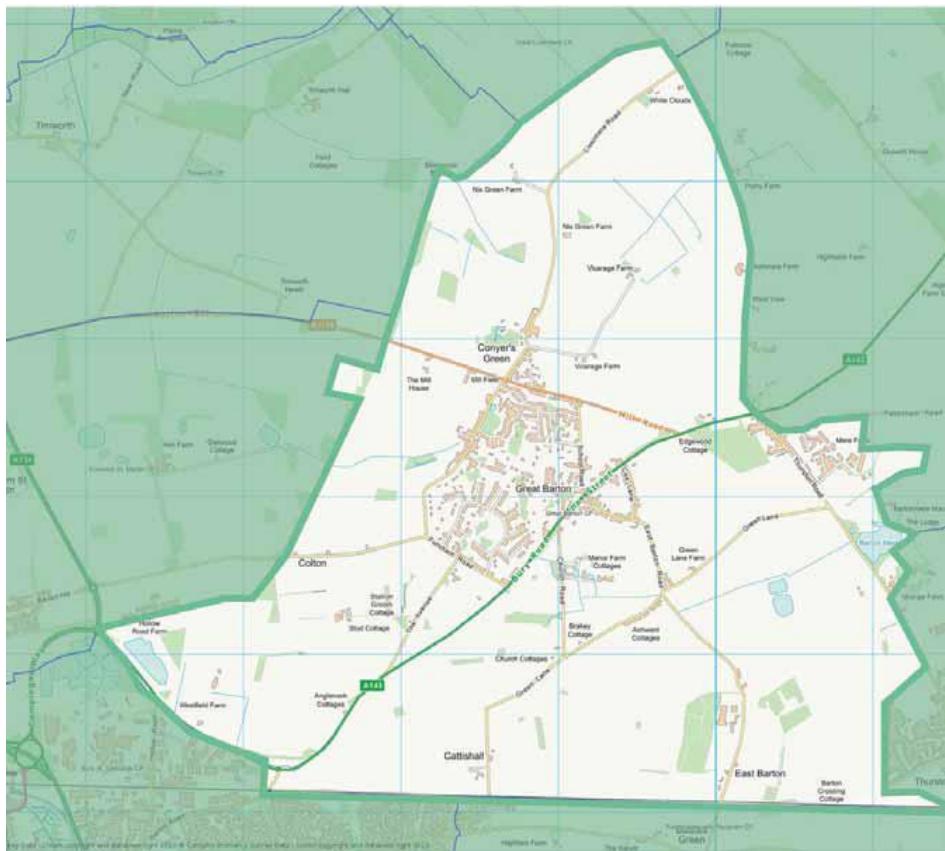
1. Background

- 1.1 Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, and subsequent revisions in 2018 and 2019.
- 1.2 Legislation requires a neighbourhood to meet a set of basic conditions, in summary it must:
 - a) Have regard to national policies and advice;
 - b) Contribute to the achievement of sustainable development;
 - c) Be in general conformity with the strategic policies of the development plan; and
 - d) Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
- 1.3 In order for a Neighbourhood Plan to become part of the development plan it must follow a statutory process involving public consultation at each formal stage including the designation of the plans area, pre-submission, submission, examination and finally by referendum.
- 1.4 The Great Barton Neighbourhood Plan is currently at the Regulation 16 consultation stage, and there is an opportunity for the Local Planning Authority (LPA) to make a formal response. The LPA fully supports the initiative for the Parish Council to produce a Neighbourhood Plan (NP) for Great Barton parish. The LPA recognises that a significant amount of work has gone into the development of the plan with extensive community involvement and the LPA commends the Parish council for all the hard work to reach such an advanced stage in the neighbourhood plan making process.
- 1.5 The LPA response to the previous Regulation 14 pre-submission neighbourhood plan consultation in March 2020 indicated that there are unresolved policy issues which may hinder the effective application of strategic policies in the council's Local Plan. The LPA's comments and the neighbourhood plan group's response to these comments can be seen at **Appendix A**.
- 1.6 As a result, it is appropriate at this current Regulation 16 stage for the LPA to re-iterate the previously identified issues to ensure a consistency of approach and to ensure consistency of response and reiteration of the message to the Great Barton neighbourhood plan group and the Examiner (**Appendix B**). It is this response that Cabinet are invited to consider and endorse.

2. Great Barton Neighbourhood Pan

- 2.1 The Great Barton Neighbourhood Plan Area, covering the whole of the parish, was originally designated by the former St Edmundsbury Borough Council in

June 2016. Due to changes to the Great Barton parish boundary following a community governance review, Great Barton Parish Council submitted a new application to designate a revised Neighbourhood Plan Area to cover the revised parish area. The former Borough Council confirmed the designation of the new area, as illustrated below, on 14 January 2019.



March 2020 Great Barton pre-submission neighbourhood plan (Regulation 14)

- 2.2 The neighbourhood plan group undertook public consultation on their pre-submission plan between January and March 2020. The LPA responded to the document and the comments are attached at **Appendix A**. The draft plan raised some issues around the conformity of some of the neighbourhood plan policies and the council's identified local strategic planning policies, one of the basis condition tests that the examiner must be satisfied has been met in order for the neighbourhood plan to proceed to examination and referendum.

May 2020 Submission Neighbourhood Plan (Regulation 15)

- 2.3 On 8 May 2020 the Great Barton Submission Neighbourhood Plan and supporting documents were submitted to West Suffolk Council:

- Great Barton Neighbourhood Plan 2019-2041 – Submission Plan May 2020
- Great Barton Neighbourhood Plan 2019-2041 – Basic Conditions Statement May 2020
- Great Barton Neighbourhood Plan 2019-2041 – Consultation Statement – May 2020

All of the above documents have been placed on Great Barton Parish Council's website at <http://greatbarton.suffolk.cloud/neighbourhoodplan/>

The role of the LPA at Regulation 15 stage

- 2.4 When a Regulation 15 Neighbourhood Plan is submitted to a local planning authority, the authority must be satisfied that the relevant statutory legal requirements have been met, including the submission of a basic conditions statement. However, the authority is not required to determine whether the draft plan meets the basic conditions as this is an issue considered during the examination of the plan.
- 2.5 The legal requirements of the submitted plan were determined to have been met and the 2012 Neighbourhood Planning Regulations state that the planning authority should commence consultation as soon as possible after receiving a plan proposal for not less than six weeks.

Neighbourhood plan consultation process

- 2.6 MCHLG issued guidance on 13 May 2020 on GOV.UK. Its tone is clear in stressing the importance keeping the planning system moving;
"The current public health guidelines have had a profound impact on how local planning departments can operate, and, in many authorities, local planners and support staff are contributing to the wider response to COVID-19. We understand the pressure that authorities are under, and the importance of practical measures which can ease the impact as well as support the wider efforts to keep the country running. It is important to keep the planning system moving as much as we can, so that it is able to play its full part in the economic recovery to come, at both national and local levels."
- 2.7 We are aware many local planning authorities are already taking innovative action to ensure this happens, and we welcome the commitment and flexibility being shown by planning departments, elected Members and everyone working in the planning system across the country.
- 2.8 Planning Practice Guidance in relation to neighbourhood plans was also updated on 13 May 2020 - Paragraph 107 Ref ID: 41-107-20200513. This updated paragraph gives advice on Referendums, Decision-making, Examinations and Public Consultation. In terms of public consultation the paragraph states with reference to The Neighbourhood Planning (General) Regulations 2012 that it is not mandatory to undertake engagement using face-to-face methods or make documents available in physical locations, however it does caution that to demonstrate sufficient, meaningful engagement more targeted methods may be needed including by telephone or in writing.
- 2.9 Acting on this advice from central government the LPA has taken steps to amend its Statement of Community Involvement (SCI) to cover the limitations imposed by COVID-19, but ensure the effective consultation required by the planning system continues. The West Suffolk Statement of Community Involvement 2018 was amended by Addendum dated June 2020. Section 1.3 of the SCI covers NP and has been amended as follows;

We are continuing to provide support for neighbourhood plan groups. For information on individual plans, see online:

www.westsuffolk.gov.uk/neighbourhoodplanning

The Government has also updated its guidance regarding neighbourhood plans, at Paragraph 107 Reference ID: 41-107- 20200407 on this page:

<https://www.gov.uk/guidance/neighbourhood-planning--2#history>

Face to face contact is not possible during lockdown. Consultation periods should be extended during this period to 10 weeks. The neighbourhood plan group should provide online information, such as a dedicated website. Virtual exhibitions could be offered during this time.

Consultation on the Great Barton Submission plan

- 2.10 This updated SCI resulted in the following measures being put in place for the Regulation 16 Great Barton Neighbourhood Plan Submission consultation which is taking place from 10 June – 19 August 2020;

- Run the consultation for 10 weeks rather than six, to allow sufficient time for people to respond
- Make the documents available on the council's website, with paper copies available on request. The take up of the offer of paper copies has been low and as of the date of publication of this report, one request for a copy of the plan have been received
- Email notification sent to all statutory consultees
- Letters sent to everyone who lives/has a business in the Great Barton neighbourhood area to advertise the consultation
- Offer of phone call appointment to speak with a planning officer to discuss the proposals. As of the publication of this report there have been no requests for this service.
- Consultation advert in the East Anglian Daily Times on 10 June 2020.

3. Strategic Planning's response to the neighbourhood plan consultation documents

- 3.1 The LPAs response to the Regulation 16 consultation is attached at Appendix B, outlining three principal areas of concern where tensions arise between the NPPF, the LPAs strategic policies and the neighbourhood plan. These tensions are summarised below in order of perceived strategic importance;

a) The NPPF, Core Strategy Policy CS11 (The Severals Strategic Site allocation), and neighbourhood plan policies GB5 and GB12

- 3.2 The Severals strategic site allocation is identified in the 2010 former St Edmundsbury area Core Strategy (Policy CS11) as a strategic site which will deliver around 1250 homes. While this site will form an urban extension to Bury St Edmunds, it falls within the Great Barton neighbourhood plan area and as such is referred to a number of times within the document. A hybrid outline planning application for 1375 homes on the site, with full details for

phase 1 and 291 dwellings, was submitted in December 2019 and is pending consideration. The planning application will need to be in accordance with the masterplan which was adopted as a supplementary planning document (SPD) in 2014.

- 3.3 As the strategic site falls within the neighbourhood area the application of each policy in the Great Barton submission neighbourhood plan will apply, unless otherwise stated. However, a number of tensions between the strategic allocation and certain policies within the neighbourhood plan have been identified as follows;
- Criteria 3 of Policy GB5 (Housing Design) requires where appropriate a 40m back to back separation between dwellings. It is considered that this could affect the viability and deliverability of the strategic site and other sites within the neighbourhood area. It is requested that the examiner considers the need and evidence for the requirement for a 40m back to back separation between dwellings in the context of all development in the neighbourhood area
 - Criteria 3 of Policy GB12 (Development Design Considerations) states that planning applications should demonstrate how they reflect garden size characteristics. This should not be applicable to the Severals site which is an urban extension allocation to Bury St Edmunds and does not relate spatially to gardens within the village area. To overcome this tension, it is requested that the examiner considers the insertion of an additional line of text to criteria 3 of Policy GB12 as follows;

"With the exception of the North-East Bury St Edmunds Strategic Site reflect the local garden size characteristics..."

b) The NPPF, Rural Vision 2031 Policy RV18 and neighbourhood plan policy GB3 School Road allocation

- 3.4 Land at School Road is allocated in the Council's development plan Policy RV18 for up to 40 dwellings in the period to 2031, where the capacity of the site is to be determined through a site development brief. Paragraph 6.12 of the neighbourhood plan acknowledges the current absence of a development brief and that the plan provides 'a high-level concept statement' (figure 12) for the site.
- 3.5 However, the concept statement provides less detail than would be found in a development brief which brings into question whether the identification of up to 150 dwellings on the site, at a density of 20 dwellings per hectare with a requirement of 15% bungalows (GB4 Housing Mix) and back to back separations between dwellings of 40m (GB5 Housing Design) can be justified as deliverable.
- 3.6 It is requested that the examiner considers whether a policy amendment to GB3 is required so that the maximum capacity for the whole site is determined through the production of a site development brief. This would ensure general conformity with paragraph 16 of the NPPF and the strategic development plan policy RV18.

c) The NPPF and neighbourhood plan Policy GB4 Housing mix

- 3.7 One of the overarching aims of the NPPF is to achieve an efficient use of land through the planning process and that sites are deliverable and viable.
- 3.8 Policy GB4 Housing Mix requires 15% of dwellings to be built as single storey bungalows on sites of 10 or more. While this would help support the growth of the aging population, there are concerns that apportioning such a figure would not be compliant with the NPPF in terms of an efficient use of land and deliverability and viability and is also not fully evidenced by the AECOM Great Barton Housing Needs Assessment (April 2019).
- 3.9 This requirement would result in 23 bungalows (rounded up) being required on the School Road allocated site in policy GB3. In addition to the other site requirements of 30% affordable housing and a 40m back to back separation distance between dwellings, the requirement for bungalows could cumulatively have a negative impact on the viability and deliverability of this particular site. On the basis of the above, it is requested that the examiner considers whether a policy amendment to GB4 is required.

4. Next Steps

- 4.1 Following the close of the consultation, officers will reflect on the outcomes to ensure confidence in progressing to the next stage, when all of the comments received will be considered by an Examiner who will decide whether the basic conditions have been met and the plan can proceed to a referendum (currently no referendums can take place earlier than May 2021).
- 4.2 In accordance with Regulation 17 of the 2012 Regulations, the Council must as soon possible after the appointment of a person to carry out an examination send the person appointed the plan and copies of any representations submitted. It is anticipated that the examination will take place in September 2020, following which an examiner's report will be received and the council can decide whether the plan should proceed to referendum.

5. Alternative Options

- 5.1 The LPA is not obliged to respond to the regulation 16 consultation but consider that it is best practice to do so and will reiterate the concerns to the Great Barton neighbourhood plan group and the Examiner.

6. Consultation and engagement

- 6.1 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement for the Neighbourhood Plan. This Statement is proportionate to the Plan area and its policies. It summarises the key stages of consultation and provides the details in a series of appendices. The Statement records the various activities that were held to engage the local community and the feedback from each event.

It also provides specific details on the consultation processes that took place on the second pre-submission version of the Plan.

7. Risks

- 7.1 Financial – The Ministry for Housing, Communities and Local Government make funds available to local authorities to cover the extra burden of supporting neighbourhood plan preparation and the referendum process. This must be claimed within specific deadlines when the application window is open.
- 7.2 Legal Compliance – A legal challenge can be made in relation to:
- a. The Council declining to make a Neighbourhood Plan which has been successful at referendum within 8 weeks. (Unless agreed with the qualifying body or if the plan is considered to breach the EU obligations or convention rights). Proceedings must be brought within 6 weeks of the day the decision is published.
 - b. The conduct of the referendum. Proceedings must be brought by a claim for judicial review filed within 6 weeks beginning the day on which the results are published.
- 7.3 Environmental or sustainability - The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, officers undertook a screening exercise in January 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. It was concluded that the neighbourhood plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The plan proposals have not significantly changed since that time.
- 7.4 Changes to existing policy – If ‘made’ the neighbourhood plan will become part of the West Suffolk development plan and its policies a material consideration when determining planning applications in the neighbourhood area.

8. Background documents

- 8.1 The Great Barton submission Neighbourhood Plan and supporting documents can be viewed online at www.westsuffolk.gov.uk/greatbartonplan



CAB/WS/20/048

West Suffolk Council officer comments on the Great Barton pre-submission neighbourhood plan and Great Barton neighbourhood planning group's response

Page/Policy number	West Suffolk Council pre-submission comments (March 2020)	Great Barton neighbourhood planning group's response (May 2020)
General comments	<p>Please note that references to the council should refer to 'West Suffolk' or 'the former St Edmundsbury' instead of 'St Edmundsbury'.</p> <p>The references to the Joint Development Management Policies Local Plan document (2015) within the text and policies are noted, but these may quickly become dated as the new West Suffolk Local Plan is progressed.</p>	<p>Noted. References will be amended.</p> <p>The Neighbourhood Plan will be examined against these policies and, given that West Suffolk Council has identified these as "strategic" they remain relevant to the Neighbourhood Plan.</p>
All policies	<p>The Local Plan Severals strategic site allocation, identified in the adopted former St Edmundsbury area Core Strategy and Bury St Edmunds Vision 2031 documents, falls within the Great Barton neighbourhood plan area. The references to this site are noted in various places within the pre-submission neighbourhood plan.</p> <p>The application of each policy in the pre-submission neighbourhood plan therefore applies to the Severals site, unless otherwise stated. An example of this is in Policy GB5 Housing Design, where it is stated in point ii that</p>	<p>The policies in the Neighbourhood Plan have been reviewed following receipt of this comment and it is considered that the Plan has stipulated where the policies would not apply to The Severals strategic site and that the policies remain in conformity with the strategic policies of the Local Plan.</p>

	<p><i>'except within The Severals Strategic Site, (proposals should) not be in excess of 2 storeys.'</i> This implies that all other parts of this policy <u>do</u> apply to the Severals, including details on back to back separation distances between properties and where affordable housing should be situated within a site. This would clearly be in conflict with current planning policy and the adopted masterplan.</p> <p>It is therefore suggested that each policy is reviewed looking at the currently adopted wording allocating the Severals site in the council's local plans to ensure that they are compatible and avoid any conflict.</p> <p>One way this issue could be resolved is by inserting some words at the beginning of each policy exempting the Severals site from being included where this is applicable. It would be helpful to arrange a meeting with yourselves and your planning consultant to discuss how best to progress this at your earliest convenience prior to working up the submission draft plan.</p>	
Housing need	<p>Where a neighbourhood plan chooses to address housing need it is necessary to identify the housing needs for the area during the plan period. The housing needs assessment undertaken by AECOM in April 2019 is noted, as is the fact that the current</p>	<p>The comment acknowledges that generating a housing need figure in accordance with the spatial strategy and strategic policies of the adopted Local Plan would generate a smaller figure than is provided for in the Neighbourhood Plan.</p>

	<p>local plan allocation dwellings generate a 'de facto' housing needs figure of 1290 dwellings, as generating an alternative figure would fall significantly below this figure.</p> <p>The Planning Practice Guidance (PPG) on Neighbourhood Plans expects LPAs to provide a housing requirement figure for neighbourhood planning bodies. This is either determined through strategic policies or as an indicative figure. Where the LPA is not able to do this, the neighbourhood plan may use the neighbourhood planning toolkit for this purpose. The calculation of 150 dwellings for this neighbourhood plan does not follow either of these approaches so it is therefore important for the neighbourhood plan group to understand that their assessment of housing need will be subject to testing against the methodology set out in para 6.2 to 6.8 of the neighbourhood plan at the examination.</p> <p>Should you and your planning consultant wish to discuss the housing numbers with the council, we would be willing to meet prior to you working up the submission draft plan.</p>	<p>While it is acknowledged that the Planning Practice Guidance identifies methodologies for calculating a housing need for a neighbourhood plan, it does not expect the Local Planning Authority to provide one.</p> <p>The current adopted Local Plan provides for growth to 2031. A new Local Plan is to be prepared for the new West Suffolk area, but this is at a very early stage and consultation has yet to be undertaken on the Issues and Options. The latest published Local Development Scheme (January 2020) identified that this would have taken place in May 2020, but this has subsequently been postponed due to the COVID-19 situation.</p> <p>There is, therefore, no published housing requirement for West Suffolk as a whole or preferred strategy as to how the housing numbers will be distributed across the Local Planning Authority area.</p> <p>Until such a time as the new Local Plan reaches a more advanced stage, it is not considered that housing numbers from the Local Planning Authority can be relied upon.</p> <p>The current Local Plan makes provision for 1,290 new homes in the Neighbourhood Plan Area, but recognises that The Triangle site (Policy GB 3)</p>
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		<p>has the capacity for additional dwellings but regard has to be had to the position of Great Barton in the Settlement Hierarchy in the current Core Strategy, is a Local Service Centre.</p> <p>Policy CS1 of the Core Strategy only identified 14% of the growth in St Edmundsbury between 2001 and 2031 would take place in the rural area outside Bury St Edmunds and Haverhill, with Local Service Centres only taking a part of that growth.</p> <p>Paragraph 4.56 of the Core Strategy states that 13 Local Service Centres are identified where "some small scale housing and employment development will be encouraged. As a general guide, we consider that a limit of ten homes per development site would be appropriate, although more than one site might be identified in the village during the plan period. However, the scale of growth in the individual settlements will be dependent upon the local environmental and infrastructure capacity of the settlement concerned.</p> <p>Paragraph 9.16 of the subsequent Rural Vision 2031 Local Plan document notes that, "taking account of the higher rates of house-building since 2001, the number of new homes to be constructed in the rural area in the period 2012 to 2031 will be</p>
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	<p>reduced to 13% of the borough total, or 1,490 homes, in order to conform with the Core Strategy."</p> <p>The Rural Vision 2031 document consequently allocates a site for 40 dwellings (The Triangle) for development between 2012 and 2031 (a 19 year timeframe). The Neighbourhood Plan provides for a further 110 dwellings for the extended 10 year plan period.</p> <p>This, together with the currently planned additional 125 dwellings at The Severals Strategic Site in the planning application, means that the Neighbourhood Plan is, without any cause for doubt, meeting its housing requirement in accordance with the adopted Local Plan.</p> <p>An additional paragraph will be inserted in the Plan to explain that the background to the housing numbers provided for in the Neighbourhood Plan.</p>	
Affordable housing	<p>We support the references seeking 30% affordable housing and small clusters of affordable homes. However, we would not wish to see the affordable dwellings clustered in concentrations of greater than fifteen dwellings, to ensure we help create a balanced and sustainable community, in accordance with the Council's Affordable Housing SPD Nov 2019.</p>	Noted.

	<p>An issue we would like to see included is the tenure split for the affordable dwellings as defined by the Strategic Housing Market Assessment (SHMA). This may change as and when the SHMA is updated but the inclusion of a paragraph stating that the affordable housing tenure must be in accordance with the SHMA would avoid any misinterpretation that the affordable dwellings can be delivered by any means. In the case of the former St Edmundsbury area, this would be 80% rented and 20% Intermediate Housing and should meet the definition of affordable housing within the NPPF.</p>	<p>Given that West Suffolk Council has a recently adopted SPD for Affordable Housing, which is a material consideration in the consideration of planning applications, it is not considered necessary to include this additional material in the Neighbourhood Plan.</p>
Para 3.12	<p>West Suffolk updated its LDS timeline in January 2020 which suggests adoption February 2024.</p>	<p>Noted. Amend paragraph to bring it up to date.</p>
Para 3.12 Vision Policy GB1 Para 5.3 Para 6.3 Para 6.6 Policy GB2 Para 11.1	<p>West Suffolk's Local Plan end date has been amended to 2040 to align with neighbouring LPAs and it is suggested that this is reflected in the submission neighbourhood plan.</p>	<p>Given that the Local Plan revised end date was published after the Neighbourhood Plan commenced pre-submission consultation, it is considered that the Neighbourhood Plan should continue to plan to 2041 to reduce any confusion in the local community.</p>
Para 5.5	<p>It would be helpful to have a plan showing how the settlement boundary for the main part of the village has been changed.</p>	<p>The Plan does not change the settlement boundary of the main village. It is not considered that this historical information is necessary for inclusion in the Neighbourhood Plan and would only confuse readers. The Plan will be amended to reflect that</p>

		changes have not been made to the main village Settlement Boundary.
Policy GB1 – Spatial Strategy	<p>The wording would benefit from the insertion of the word 'village' between 'defined settlement boundaries' in GB1 for clarification.</p> <p>Suggest removal of the wording 'St Edmundsbury' in bullet b, as it is a West Suffolk joint plan.</p>	<p>Agree</p> <p>Agree</p>
Para 5.8	Planning application DC/19/2456/HYB was submitted on The Severals site on 18 December 2019, which could be reflected in the next iteration of the plan.	The Plan will be amended to reflect this fact.
Policy GB2	<p>The policy refers to the strategic site known as Severals as meeting part of the growth needs but does not allocate the site. In order to be in general accordance with the local plan, where a neighbourhood plan seeks to address housing need, as in this case, it will need to identify the sites that meet that including the strategic sites.</p> <p>Policy GB2 states it will provide for around 150 dwellings through the neighbourhood plan to be developed across;</p> <ul style="list-style-type: none"> i – the site allocation in Policy GB3, ii – windfall and infill and; iii – infill. 	It is not considered necessary to allocate The Severals site as this is already allocated in the strategic policies of the adopted Local Plan.

	<p>This is inconsistent with policy GB3 which states around 150 will be provided on GB3 alone.</p> <p>Policy GB2 appears to plan for homes for the neighbourhood plan area based on the assessed capacity of site GB3 and not housing needs assessed through a recognised methodology.</p>	
6.12 – small typo in third bullet	Should read – ‘Allocating a new post office’	Noted. This will be corrected
6.14 – small typo on fourth line	Should read - ‘number of houses’	Noted. This will be corrected
6.17	<p>This paragraph states '<i>a maximum site capacity of up to 150 homes at 20 dwellings per hectare.</i>' Local Plan Policy RV18, which has been identified as a strategic policy, states that the capacity of the site will be determined by a development brief for the site. Aside from the earlier comments on the appropriateness of the 150 dwelling housing requirement figure, it is not considered appropriate to set a maximum site capacity. It may be that the insertion of an indicative figure is appropriate, and it is suggested that a meeting is arranged to discuss a way forward.</p>	<p>It is noted that the adopted Local Plan sets a maximum of 40 dwellings for the site and, as such, it is considered that the Neighbourhood Plan, for reasons set out elsewhere, is fully justified in setting a maximum figure. The offer of a meeting is noted but not considered necessary given the representations submitted by West Suffolk Council as potential landowners.</p>
GB3 Land at School Road	<p>As above, the allocation states development will be for up to 150 dwellings. The Rural Vision 2031 states the total capacity of</p>	<p>Work undertaken in the preparation of the Neighbourhood Plan has had</p>

	<p>the site should be determined through the site's Development Brief. In order to be consistent with policies in the local plan, it is therefore not considered appropriate to set a maximum site capacity. It may be that the insertion of an indicative figure is appropriate, and we would be happy to meet to discuss a way forward.</p>	<p>regard to the adopted local plans for the area. In particular, the list of "Local constraints and opportunities" listed in the Great Barton section of Rural Vision</p> <p>2031. Part a of the section states:</p> <p>"a. Scale of growth will be dependent on local environmental and infrastructure capacity and will need to respect the character of the settlement."</p> <p>Residents have identified that retaining the character of the village is of particular importance to them and this is reinforced by the comments received during the consultation on the draft Neighbourhood Plan.</p> <p>The developable area identified on Figure 12 – The Concept Diagram, amounts to approximately 7 hectares and results in a development density of approximately 21 dwellings per hectare, a density commensurate with the character of the village as noted in Rural Vision 2031 referred to above.</p>
GB3 – second para	<p>It is suggested that the words 'and any future adopted development brief for the site' is included to better reflect policy RV18.</p>	Agree. Amend Policy GB 3 accordingly
GB4	<p>The housing mix breakdown by dwelling sizes seems reasonable in respect of the evidence</p>	Given that opportunities for sites in excess of 10 dwellings coming forward in the Neighbourhood Area

	<p>provided. However, the council would prefer to consider the housing mix on a scheme by scheme basis and reflective of the current housing need.</p> <p>While the benchmark of 15% of dwellings to be built as bungalows would help support the growth of the aging population, we have concerns that apportioning such a figure would not be compliant with the NPPF and is not fully evidenced by the Great Barton Housing Needs Assessment (April 2019).</p> <p>If the decision is made to continue with the 15%, we assume that the figure would only be applied to sites classed as major developments (sites over 10 dwellings but excluding the Severals site) in accordance with the NPPF, an issue which would be useful to clarify in the policy or supporting text.</p>	<p>are limited, primarily to the sites allocated in the Local Plan, it is considered that the figures are appropriate. However, it is proposed to amend the policy to reflect that the requirement might change during the Plan period should new and robust evidence be published.</p> <p>The requirement is supported by needs identified by residents and also the character of the village in terms of the mix of dwelling types.</p> <p>The policy wording will be clarified.</p>
Page 68 Village Centre Inset Map	The demarcation of the strategic site boundary does not match that shown in the key.	The Village Centre Inset Map will be amended to address this error
page 69	Inset map of Barton Hamlet includes a settlement boundary (SB). Although some reference is made to settlement boundaries in policies GB1 and GB2, it is suggested a specific policy for proposed settlement	No response provided

	boundaries should be considered.	
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West Suffolk Council's response to the Regulation 16 submission Great Barton Neighbourhood Plan consultation

Please find below a response to the Submission Great Barton Neighbourhood Plan on behalf of the Local Planning Authority (LPA). The response was endorsed by Cabinet on 21 July 2020.

The comments have been provided to assist the examination of the plan focusing on the content and wording of the proposed policies and propose amendments or raise issues that we suggest will require consideration during the examination.

At the submission plan stage comments are invited regarding whether the 'plan proposal', fulfils the 'basic conditions', as required by Paragraph 8, Schedule 4B Town and Country Planning Act (as varied by s38C Planning and Compulsory Purchase Act 2004 as amended). These require that the plan:

1. Has regard to national policy and guidance from the Secretary of State;
2. Contributes to sustainable development;
3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area;
4. Does not breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC; and that
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d), either alone or in combination with other plans or projects.

As part of the formal submission of the Great Barton neighbourhood plan a Basic Conditions statement was submitted which is a statutory requirement in order to demonstrate that the basic conditions have been met. An analysis of the statement alongside the plan has been undertaken by officers and in respect of conditions 2, 4 and 5 above, the council is satisfied that they have been met.

However, some tensions have been identified between basic conditions 1 and 3 and the neighbourhood plan, but to avoid overlap and repetition these conditions are considered in conjunction below.

Regulation 14 pre-submission stage

West Suffolk's strategic policies are identified in a document available on the council's website at

https://www.westsuffolk.gov.uk/planning/Planning_Policies/upload/Strategic-Policies-for-the-purpose-of-Neighbourhood-Plans-2017-10-11.pdf

At the Regulation 14 pre-submission consultation stage on the Great Barton Neighbourhood plan, officers responded setting out some concerns about the wording

of some of the draft policies in relation to the council's strategic policies. This response, along with an additional column setting out the neighbourhood plan group's response (transposed from the table of responses in the consultation statement) is attached at Annex A to this letter.

In responding to the regulation 14 pre-submission plan, officers suggested a meeting would be appropriate to discuss the points raised to find a way forward prior to the submission of the final plan. It was disappointing that this offer was not taken up by the neighbourhood group which goes against the expectation of collaborative working in the neighbourhood planning process. It should also be noted that only the minor points raised by the council were taken into account in the submission version plan, as evidenced in Annex A some comments remain either partially or not met.

Having reviewed the amendments made to the neighbourhood plan between the pre-submission and submission draft stages, it is felt that there remains some tension of varying degrees between national planning policy, the council's strategic planning policies and certain policies and paragraphs within the Great Barton neighbourhood plan. These tensions are identified below in order of perceived strategic importance;

- a) The NPPF, Core Strategy Policy CS11 (The Severals Strategic Site allocation), and neighbourhood plan policies GB5 and GB12
- b) The NPPF, Rural Vision 2031 Policy RV18 and neighbourhood plan policy GB3 School Road allocation
- c) The NPPF and neighbourhood plan Policy GB4 Housing mix

These areas are discussed in more detail below;

a) The NPPF, Core Strategy Policy CS11 (The Severals Strategic Site allocation), and neighbourhood plan policies GB5 and GB12

Before looking at the local issues, it is necessary to consider the national context set out in the National Planning Policy Framework (NPPF), the latest iteration of which is dated February 2019.

Paragraph 16 of the NPPF sets out a list of criteria against which plans should be prepared. It is considered that three of these points are of specific note in relation to the Great Barton neighbourhood plan;

- b) which requires that plans are prepared positively, in a way that is aspirational but deliverable;
- d) which requires that policies are drafted clearly and unambiguously so that it is clear how a decision maker should react to proposals, and;
- f) where plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.

Paragraph 13 of the National Planning Policy Framework (NPPF) is also relevant to the council's response and states that "...Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."

Paragraph 29 of the NPPF goes on to state "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*"

National Planning Practice Guidance (PPG) expands on this at paragraph 44, stating, "*The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy.*"

If we turn now to consider the local issues, the Severals strategic site allocation is identified in the 2010 former St Edmundsbury area Core Strategy (Policy CS11) as delivering around 1250 homes and in the 2014 Bury St Edmunds Vision 2031 document (Policy BV6). While this site will form an urban extension to Bury St Edmunds, it falls within the Great Barton neighbourhood plan area and as such is referred to a number of times within the document.

An adopted concept plan for the Severals site is included within the Bury St Edmunds Vision 2031 Local Plan (2014) with a masterplan also adopted in 2014 as a Supplementary Planning Document (SPD).

A hybrid outline planning application for 1375 homes on the site, with full details for phase 1 and 291 dwellings, was submitted in December 2019 and is pending consideration.

As the strategic site falls within the neighbourhood area the application of each policy in the Great Barton submission neighbourhood plan will apply, unless otherwise stated.

Due to this fact, there arises a tension between two of the neighbourhood plan policies and the council's strategic policies as outlined below:

Neighbourhood plan Policy GB5 - Housing Design

Policy GB5 states at point ii that '*except within The Severals Strategic Site, (proposals should) not be in excess of 2 storeys.*' This therefore implies that all other parts of this policy do apply to the Severals site.

Point iii of the policy states that proposals should '*where appropriate, have a minimum back to back distance of 40m with garden sizes that reflect the average of properties around it and the character area within which the site is located and as identified by the data illustrated in Paragraph 9.21 of the Plan.*'

While the wording 'where appropriate' is acknowledged, requiring a 40m back to back separation is a prescriptive requirement with a lack of evidence to support it. The information at paragraph 9.21 does not explain how a distance of 40m was arrived at and why it would be an applicable distance. Imposing this restriction could constrain the viability and deliverability of the strategic site, and indeed any site that may come

forward within the neighbourhood plan area, contrary to paragraphs 13, 16 and 29 of the NPPF and paragraph 44 of the PPG.

It should also be noted that no character area is identified for the Severals site, and that the information on garden sizes for the village at paragraph 9.21 is not applicable. This requires clarity in accordance with NPPF paragraph 16.

Policy GB5 goes on to state '*the layout of new housing developments must reflect the rural characteristics of the village*'.

The Severals strategic site is an urban extension to Bury St Edmunds with an adopted masterplan and it would not be applicable to consider the application against this policy requirement. This also requires clarity in accordance with NPPF paragraph 16.

It is considered that as drafted, the policy fails to meet basic condition 1 in respect of paragraphs 13, 16 and 29 of the NPPF, and basic condition 3 in respect of Core Strategy Policy CS11 and BV6. It is requested that the examiner considers appropriate amendments to the wording of Policy GB5 to exempt the Severals strategic site due to the potential impacts this could have on the flexibility, viability and deliverability of this important allocation which lies within the neighbourhood area.

It is also requested that the examiner considers the need and evidence for the requirement for a 40m back to back separation between dwellings in the context of *all* development in the neighbourhood area, as this could also affect the viability and deliverability of other smaller sites coming forward, including the allocation at GB3 Land at School Road.

Neighbourhood plan Policy GB12 – Development Design Considerations

This policy applies to proposals for all new development including the Severals strategic site. While it is acknowledged that the policy states planning applications should demonstrate how they comply with a development design checklist and criteria 'as appropriate', there remain tensions in relation to the council's strategic site allocation at the Severals .

Criteria 3 of Policy GB12 states that planning applications should demonstrate how they reflect garden size characteristics. This is not applicable to the Severals site which is an urban extension allocation to Bury St Edmunds and does not relate spatially to gardens within the village area.

The garden size characteristics referred to at paragraph 9.21 only includes areas within the village and not the area covered by the strategic site. To overcome this tension, it is requested that the examiner considers the insertion of an additional line of text to criteria 3 of Policy GB12 as follows;

"With the exception of the North-East Bury St Edmunds Strategic Site reflect the local garden size characteristics..."

b) The NPPF, Rural Vision 2031 Policy RV18 and neighbourhood plan policy GB3 School Road allocation

Land at School Road is allocated in the council's strategic Policy RV18 for up to 40 dwellings in the period to 2031, where the capacity of the site is to be determined through a site development brief.

A Development Brief provides a detailed framework for the development of a site where a full master-planning approach is not required. It is required on the School Road site as the RV18 Local Plan allocation allowed up to 40 dwellings on the site in the period to 2031, with the total capacity to be determined by the brief taking into account the land required for the expansion of the primary school, community uses, access requirements and landscaping.

Paragraph 6.12 of the neighbourhood plan acknowledges the current absence of a development brief and that the plan provides 'a high level concept statement' (figure 12) for the site which has been prepared as part of AECOM's support package, and guidance on how the site could be developed so that a more detailed development brief can be prepared 'should West Suffolk deem it necessary'.

However, the concept statement provides less detailed than would be found in a development brief which puts into question whether the identification of up to 150 dwellings on the site, at a density of 20 dwellings per hectare with a requirement of 15% bungalows (GB4) and back to back separations between dwellings of 40m (GB5) can be justified as deliverable. (NPPF paragraph 16, point b).

Determining the site capacity through a development brief would allow full consideration of the other requirements of the site in terms of community uses, infrastructure and landscaping before making a decision on housing numbers, ensuring the site is deliverable in accordance with the policy requirements.

It is requested that the examiner considers whether a policy amendment to GB3 is required so that the maximum capacity for the whole site is determined through the production of a site development brief. This would ensure general conformity with paragraph 16 of the NPPF and the strategic development plan policy RV18.

c) The NPPF and Policy GB4 Housing mix

One of the overarching aims of the NPPF is to achieve an efficient use of land through the planning process and that sites are deliverable and viable. Paragraph 122 states that "*Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places."*

Point b) of paragraph 16 of the NPPF requires that plans are prepared positively, in a way that is aspirational but deliverable.

Policy GB4 Housing Mix requires 15% of dwellings to be built as single storey bungalows on sites of 10 or more. While this would help support the growth of the aging population, there are concerns that apportioning such a figure would not be compliant with the NPPF in terms of an efficient use of land and deliverability and viability and is also not fully evidenced by the AECOM Great Barton Housing Needs Assessment (April 2019).

The AECOM assessment states that the people within Great Barton strongly support bungalows within the parish (page 10). The assessment goes on to acknowledge that the projected growth in older households will generate a demand for "*smaller detached or semi-detached properties, especially bungalows rather than flats, the stock of which is very low in the Neighbourhood Area.*" However, page 49 of the assessment refers to the fact that there is no available data on the number of bungalows in the Parish. There is no information in the assessment to support that 15% of dwellings on developments of 10 or more should be bungalows.

This requirement would result in 23 bungalows (rounded up) being required on the School Road allocated site in policy GB3. In addition to the other site requirements of 30% affordable housing and a 40m back to back separation distance between dwellings, the requirement for bungalows could cumulatively have a negative impact on the viability and deliverability of this particular site. On the basis of the above, it is requested that the examiner considers whether a policy amendment to GB4 is required.

In conclusion we remain available to having a telephone conference to discuss the points raised if you feel this would be helpful in moving the examination forward. If you have any queries about the council's comments, please do not hesitate to contact Ann-Marie Howell who is the principal planning policy contact for this neighbourhood plan.

Yours faithfully



Marie Smith
Strategic Planning Service Manager

Annex A (see Appendix A of Cabinet report)

