

**MINUTES OF KERSEY PARISH COUNCIL EXTRAORDINARY MEETING
HELD ON MONDAY 6 NOVEMBER 2017
IN KERSEY VILLAGE HALL AT 7 PM**

PRESENT

John Hume – Chair, Veronica Partridge, Giles Hollingworth, Kevin Pratt, 31 members of the public and the Clerk – Sarah Partridge (A Babergh officer and a Community Action Suffolk officer arrived during the meeting for informal discussions after the close of the meeting)

The Chair welcomed those present and reminded everyone that they will be given the opportunity to speak during the meeting but they should all respect the views of others and behave courteously during the meeting. All questions and comments should be made through the Chair. This Parish Council meeting is a meeting held in public and not a public meeting.

135/17 APOLOGIES – were received and accepted from Yvonne Martin, Iqbal Alam and Andrew Rogers.

136/17 ACCEPT MEMBERS' DECLARATIONS OF INTEREST - None

137/17 CONSIDER ANY DISPENSATION REQUESTS FOR PECUNIARY INTERESTS RECEIVED FROM COUNCILLORS – None received

138/17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 September 2017 were signed and dated as being correct.

139/17 TO AGREE A RESPONSE TO THE PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE NATIONAL CONSULTATION.

Councillors had all read the Suffolk Association of Local Council's response to this consultation, appended, and fully supported their comments. It was agreed the Parish Council would respond to this consultation fully supporting the SALC view and to attach a copy of the SALC response to the Parish Council consultation response.

140/17 PLANNING APPLICATIONS

a) Progress – none.

b) Consider planning applications received

B/15/01196 Land to the rear of 1-6 The Street, Kersey – To discuss and give a response to the Bullard Report regarding highways and access.

It was agreed the Parish Council response remains that the Parish Council strongly objects to this application for the reasons given in the two previous responses in December 2015 and July 2017. The Chair outlined that the Parish Council has been given the opportunity to give a response to the Bullard Report regarding highways and access. Babergh District Council had commissioned an independent report from GH Bullard & Associates because Suffolk County Council had given two highways responses to this application which were considered to be conflicting, therefore, an independent view was required. In 2015 SCC had said that although the proposal may not be desirable, SCC will not defend a refusal. In 2017 SCC had given a further response to state that they felt the access was not safe. Bullard and Associates had completed a traffic survey and written a report giving their views. *The meeting was adjourned to hear comments from members of the public present.* Comments and concerns raised by members of the public were:

- no thought has been given to access for emergency services or the collection of refuse.
- surprise that the report had been commissioned, SCC are the highways authority and their opinion should be respected.
- concern that Bullards may not be independent since they have strong connections with SCC.
- additional traffic passing through a narrow site entrance, Kersey does not need more traffic.

- Bullards have overstepped their brief by entering into discussions with the developer so that they could submit a new site plan.
- roads entering Kersey are not suitable for any additional traffic.

The meeting was reconvened.

The Chair then read from a letter written in response to the Bullard Report which reiterated several of the views already expressed by members of the public. Councillors then discussed the report and comments made. Concerns were raised about construction traffic and safe access to the site and the disruption this would cause to the village. The Chair reminded everyone that this is not a relevant matter when deciding a planning application. It was agreed to respond to the application reiterating the Parish Council's earlier objection to the application and to raise the following concerns regarding the Bullard report:

1. The amended site plan calls for further work which will require Listed Building Consent.
2. The amended site plan may require white lines on The Street which would further disfigure the street design and outlook. There are no other white or yellow road markings in Kersey, a practice which should be retained.
3. The Bullard Report is flawed for the following reasons:
 - (a) Speed measurements used to justify the revised proposal include vehicles that were just starting or finishing their journey, so the average speed figures used are not indicative of the speed of passing traffic.
 - (b) There is no mention in the Bullard Report of the effect of the extra traffic movements through the restricted entry and exit points. If there are 16 car parking spaces, it will mean at least 32 extra vehicles per day passing through a narrow channel to enter or leave the site, close to the rear and main entrance to No.6 The Street. This is before consideration of the effect of deliveries, emergency vehicles and refuse collection. The suggested width of the revised driveway of 4.2 to 4.5 metres is clearly inadequate and unsafe for this purpose.
 - (c) The Report is silent on proposals to cope with refuse collection. A senior officer in Babergh has previously stated that collections cannot be made through this point.
 - (d) The traffic volume and speeds were measured across The Street parallel to the telegraph pole adjacent to Number 1. This therefore, does not include traffic from the south visiting The Bell car park, so is underestimated.
 - (e) The report also fails to include any mention of road width at the proposed exit onto The Street. The width of The Street immediately opposite The Bell, to the south of 1-6 The Street is 6.5 metres. This narrows to 5.65 metres at the entrance and exit point of the proposed site. This clearly has an effect on safety considerations which have been missed.
 - (f) It was noted that the SCC 2015 report says the application 'may not be desirable'. The SCC 2017 report, which takes into account the extra building on the site, states '... there can be no guarantee that safe and suitable access can be achieved, (NPPF, para32).' These statements are not contradictory.
 - (g) The Parish Council has concerns that the writer of the Bullard report has exceeded the brief. Bullards were asked " In your opinion do you regard the access to be safe and suitable for all people?". This did not include a requirement to discuss this matter with the architects for the developer - as stated in the report summary - resulting in a new site plan.

A CAS officer arrived at the meeting.

141/17 BABERGH JOINT LOCAL PLAN CONSULTATION – TO CONSIDER SOME OF THE POTENTIAL DEVELOPMENT SITES PUT FORWARD IN KERSEY DURING THE APRIL 2017 CALL FOR SITES

The Chair outlined that in April 2017 Babergh published a list of all the potential development sites across the District put forward by landowners during the call for sites in 2014 and 2016. No weight or status is attributed to the sites and a separate planning assessment is undertaken to assess whether they are suitable for development for housing or employment use. Their inclusion in the list of site submissions does not imply planning permission will be granted. Across the whole of Babergh 355 houses need to be built every year to meet the identified need. Babergh is currently not meeting this

target and does not have a 5-year land supply. This is partly because applicants of approved development sites take several years to complete construction. Babergh has published a map of Kersey showing five sites which have been put forward as potential development sites, appended. One is the subject of an on-going planning application for housing on the land to the rear of 1-6 The Street. The other four sites have been put forward by Lance Arthey.

SS0600 Land to the north of Water Lane

SS0601 Land to the west of Cherry Hill

SS0602 Land to the north of The Row

SS0604 (shown on map as SS0882) Land to west of Church Hill & south of Mill Lane (Vale Lane)

Babergh has carried out an initial desk top planning assessment of these four sites and has decided that all four sites are 'poorly related to the functional settlement – in open countryside'. The Parish Council was happy with the comments made by Babergh and so had not discussed the sites further at previous meetings. Liz Arthey, on behalf of Lance Arthey, has asked that the Parish Council consider these sites as the family are proposing to submit an appeal, through the Joint Local Plan consultation process, to the initial decision by Babergh to reject the sites. The Chair invited Liz to give a brief outline of their proposals:

Lance has put these sites forward as potential development sites following the Babergh call for sites. The family had heard that there was some renewed public interest in the Vale Lane site, which had been rejected by a Planning Inspector in 1995 following an earlier planning application for development on this site. They also thought there was public interest in the site at The Row. All the sites put forward are adjacent to the highway so keeping the linear form of the village. Their proposal would be for small scale development of only a few houses with gardens, sensitively and sympathetically designed and views would be protected. Changes in planning policy and housing need over the years means that these sites could now be considered suitable, despite earlier rulings. Any proposed development at the Vale Lane site would take into account the comments raised during the public inquiry in 1995. There could also be the inclusion of parking for church and school use and a safe walkway from Vale Lane linking up to the rest of the village, church and school. To meet the housing need in the District all villages will need to take some new housing and these sites are available for housing in the village should they be needed. Some of the sites put forward are on land which is no longer farmed, some because it is not economic to farm due to their shape and size which makes it difficult to access with large modern farm machinery. The Chair asked Liz what she was asking of the Parish Council. Liz said that it would help their appeal if the Parish Council were to support development on any of these sites.

The Chair commented that the parish of Kersey may well have to accept some new housing in the next 20 years, according to some projections this may be one or two houses a year.

The meeting was adjourned to hear comments and questions from the floor.

- There are still houses in Kersey which are empty and should be made useable. There is no need to build more houses when there is existing housing stock standing empty and in some cases falling into a state of disrepair.

- The Water Lane site is not suitable for further development as the road infrastructure is poor, the lane is very narrow and cannot support additional traffic.

- There are redundant farm buildings and a derelict house at Noaks farm which could be brought into use.

- There was a fear that the sites put forward are quite large and may lead to large scale development in the village which would not be appropriate.

There were one or two questions and comments made which were not relevant to the discussion and have not been included in the minutes.

A Babergh officer arrived at the meeting.

The meeting was reconvened.

Councillors then discussed the sites and comments made. Councillors shared the concern that there are a number of empty properties in Kersey which should be brought back into use. Councillors also felt that they could not make any comments or decisions about the sites because there was no detail and they cannot know what may happen in the future regarding housing development in the village and long-term provision. There is a strong sentiment in the village against any development, as supported by the high

number of people attending recent Parish Council meetings when potential new housing has been discussed. It was felt that any proposed development on the Vale Lane site would see high levels of opposition, as it had done in 1995. The Parish Council decided that they would not make any comments on the four sites put forward by the Arthey family and the Parish Council would not be making a further response to the Joint Local Plan consultation regarding these sites. It was up to the Arthey family if they wished to pursue an appeal with Babergh regarding the sites. The Chair commented that when planning applications for development are put forward in the parish, these are considered on their individual merits. The Parish Council does support appropriate development on appropriate sites in the Parish and is not against all development. There are strong heritage reasons against development in most of the village settlement boundary.

142/17 ANY OTHER BUSINESS - None

143/17 PARISH TIME - None

There being no further business the meeting closed at 8.17pm.

There are 6 sheets appended to these minutes:

- SALC response to the Planning for the Right Homes in the Right Place national consultation.
- Map of Kersey showing the potential development sites, submitted as part of the call for sites.

President: Sir Edward Greenwell, Bart.

Sent to planningpolicyconsultation@communities.gsi.gov.uk

Planning Policy Consultation Team
Department for Communities and Local Government
3rd floor, South East Fry Building
2 Marsham Street
LONDON
SW1P 4DF

20 October 2017

Dear Sir or Madam

Planning for the right homes in the right place: consultation proposals

This is the response to the above consultation from Suffolk Association of Local Councils (SALC), the membership organisation for the hundreds of town and parish councils in the county.

Question 1 (a) do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?

Question 1(b) how can information on local housing need be made more transparent?

In general terms, greater clarity over the approach to assessing local housing need is welcome. Also, processes which speed up the ability of planning authorities to put their plans in place are welcome. However, it is not clear how this will work in practice given that the approach will still leave room for interpretation over the factors which are permitted to be taken into account. We remain unconvinced that assessments of housing need will genuinely take into account local circumstances and properly consider the deliverability of underlying infrastructure needs. It is essential that Government ensures that planning authorities communicate all relevant housing needs data promptly and accurately to local councils seeking to progress their own neighbourhood plans and with all local councils so that they can consider the suitability of the assessment at appropriate stages with opportunities to meaningfully feed into the process.

Question 2 do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?

This appears to legitimise challenges after only two years from the submission of a plan. Clarity is generally welcome and would address some unsatisfactory situations where challenges can be made after very short periods. However, SALC has concerns that properly developed neighbourhood plans will be considered out of date owing to projection changes at most after a two-year period and potentially a much shorter period depending on how well they align with the timing of the submission of the local plan. The impact on neighbourhood plans and on the planning application process should be fully considered. Particularly in the context of reduced resources for planning authorities, concerns remain regarding the potential inability of planning authorities to prevent inappropriate development where they are not able to respond effectively to the constant need to refresh projections and revise plans.

Question 3 do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?

Greater certainty about the soundness of plans is important and it is appreciated that local housing need assessments should be robust. Part of the process of deciding the robustness of the assessment should be to take into account any questions over the process raised by communities through their local town and parish councils.

Question 4 do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?

SALC has concerns that where plans are based on an assessment of local housing need in excess of that which the standard method would provide, Planning Inspectors are advised to work on the assumption that the approach adopted is sound unless there are compelling reasons to indicate otherwise. This assumption might make it more difficult to resist inappropriate development plans in some areas as this default position relies on a party being able to evidence compelling reasons otherwise. Government should ensure that communities are properly resourced and enabled to present such evidence, with due weight being granted to their own evidence, in the absence of the planning authority robustly and reasonably doing so.

Question 5(a) do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?

Question 5(b) do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?

Question 5 (c) do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?

SALC has concerns about the lack of clarity regarding how these provisions would affect the fundamental problems relating to the inability of some local authorities to secure a five year land supply with a resultant fairly to appropriately shape the areas affected by development. Any resultant land-use allocations, whether through joint or single local plans or through spatial development strategies should include sufficiently safeguards to ensure fair and appropriate development with the relevant infrastructure and mitigation funds. Concerns include that differences between local authorities will result in the weaker partner taking a disproportionate and unfair development allocation and that this will be skewed further by the punitive policy arrangements being embedded by Government.

Question 6 do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?

No comment.

Question 7(a) do you agree with the proposed administrative arrangements for preparing the statement of common ground?

Question 7(b) how do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?

Question 7(c) do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?

SALC is particularly interested in Government claims that evidence from recent local plan examinations suggests that failing in the duty to co-operate is one of the most regular reasons why plans are not found sound by the

Planning Inspectorate and that this results in a failure to plan properly to meet housing need and to provide infrastructure based on cumulative impact, and a lack of environmental sustainability. With many local councils and communities currently adversely affected by cross-border planning and the cumulative impact on infrastructure across county and district borders, a better framework for joint planning is to be encouraged if it builds in better community-focused solutions.

Question 8 do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?

With the existing variation in status of local plans, SALC would welcome greater certainty and robustness within the planning system.

Question 9(a) do you agree with the proposal to amend the tests of soundness to include that: i) plans should be prepared based on a strategy informed by agreements over the wider area; and ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?

Question 9(b) do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?

SALC notes that the main reason for Government wanting robust cross-border plans is “where strategic cross-boundary infrastructure is required to unlock more land for housing.” SALC would welcome more robust cross-border planning, in particular to ensure a more practical and common-sense approach where cumulative impact and natural growth points can be properly considered.

Question 10(a) do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?

Question 10(b) do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?

SALC welcomes greater clarity in guidance to help identify the need for particular types of housing need alongside the new approach for assessing local housing need overall. This should take account of the rural and urban context and should provide for a better understanding of the definition of “affordable housing”.

Question 11(a) should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?

Question 11(b) do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?

SALC welcomes improvements within the Neighbourhood Planning Act 2017 which aim to ensure neighbourhood plans are considered at an earlier stage of development by authorities determining planning applications. SALC also welcomes Government recognition that neighbourhood plans incorporating housing needs face problems where:

- There is an up-to-date local plan but the planning authority does not provide housing needs figures,
- There is an up-to-date local plan but for the purpose of a neighbourhood plan, a costly consultant has to be employed in order to estimate housing need, and
- The housing need figure changes during the plan’s preparation e.g. where the local plan is being revised.

We welcome the proposal to make clear in planning guidance that planning authorities “are expected to” provide housing need figures for the purpose of neighbourhood plans and may do this by making a reasoned judgement based on the settlement strategy and housing allocations in their plan, so long as the local plan provides a sufficiently up-to-date basis to do so (including situations where an emerging local plan is close to adoption). It is essential that any reasoned and legitimate conclusions would not have to be tested during the neighbourhood plan’s production, as they will be derived from the strategy in the local plan and must be in general conformity with its strategic priorities. In the event that the data is reasonably challengeable, a mechanism for a community safeguard measure, exercisable by local councils, should be incorporated.

Government should ensure that the proposed changes address the problems which arise where the local plan is out-of-date and cannot be relied on for allocating housing figures.

SALC has concerns about the proposal for national policy to expect local planning authorities to set out, within their plans, a housing figure for designated neighbourhood planning areas and parished areas within their local

area. This concern is particularly relevant given that it has often been the case that local plans have been classed as unreliable. This appears to apply a simple extrapolated figure to each parish which might be wholly inappropriate e.g. there might be little or no housing need in a particular parish and a great need in another. We are not sure about the application of the statement that “For neighbourhood plans this approach does not seek to address unmet demand from elsewhere or take account of any land or other constraints, including with the relevant local planning authority area. This is because of the limited geographical area that is covered by individual neighbourhood plans and any such decision is more appropriate to co-ordinate and determine at a strategic level.” Without provisions for a zero, negligible or higher housing need, as will be appropriate in different parishes, this provision could result in inappropriate figures and potentially could result in all parishes being given a proposed housing need, and hence a housing growth, figure.

Question 12 do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?

Question 13 in reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?

SALC is aware of the problems caused by developers claiming ‘viability’ problems which have led to concerns that they are manipulatively doing so in order to avoid making payments to mitigate the impact of their developments on infrastructure. This is a serious concern for local councils and for the hard-working taxpayer left to pick up the resultant bill for the social, economic and environmental impact. Clarification is needed beyond simply defining viability as where the value generated by the development is more than the cost of developing it.

The proposal that local planning authorities should set out the types and thresholds for affordable housing contributions required; the infrastructure needed to deliver the plan; and expectations for how these will be funded and the contributions developers will be expected to make, is welcomed if genuinely robust and clear plan provisions result. This robustness must include appropriate measures to ensure that developers are not able to avoid these obligations and Government ceases creating legislative frameworks which enable this avoidance. We have seen such problems in relation to the growth of exemptions for mitigation measures and affordable housing and also in the failure to properly cater for cumulative impacts, not least where development is staged.

SALC believes clear guidance is necessary for planning authorities, developers and communities as a preventative measure to avoid debates about viability further down the line in the planning process.

Question 14 do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?

SALC notes the use of the word ‘usually’ which might be carried across to the proposed wording in the National Planning Policy Framework and would introduce some uncertainty. Applications that meet requirements set out in the plan should be assumed to be viable. However, SALC has concerns that it would remain for the planning authority to decide what weight is to be given to the material considerations in each case, including the impact on a scheme’s viability, which will undoubtedly open the issue up to debate in some cases.

Question 15 how can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?

The proposal to update guidance to encourage planning authorities to engage with housing associations and infrastructure providers so that they can better inform the plan-making and viability assessment process sounds sensible. However, SALC is concerned that, in practice, securing suitable advice within the local authority timescales for developing local plans might be a problem.

Question 16 what factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?

SALC welcome Government recognition that, in cases where viability assessment is still needed while determining planning applications, planning guidance should encourage viability assessments to be simpler, quicker and more transparent with a provision for communities to challenge any flawed assessments.

Question 17(a) do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?

Question 17(b) what factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?

Question 17(c) how can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?

SALC welcomes greater transparency and guidance which we would wish to see includes direct notification of information to local councils about in-kind provision of land, affordable housing and infrastructure.

Question 18(a) do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?

Question 18(b) do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?

Question 18(c) should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?

Question 18(d) are there any other issues we should consider in developing a framework for this additional fee increase?

SALC is not convinced by Government's solution to under-resourcing of planning authorities which is "to increase nationally set planning fees by 20 per cent for those local planning authorities who commit to invest the additional fee income in improving the productivity of their planning departments" and "a further 20 per cent on the current fee level could be applied to those authorities who are delivering the homes their communities need." The existing incentivising of planning authorities does not appear to have had a beneficial impact in providing sound planning in communities to date. It is also unlikely that an increase in fees would significantly address the under-resourcing to the extent that is required to enable planning authorities to be able to deal with developer appeals, enforce planning conditions and provide the strategic and operational service required. A more sophisticated approach to local government service provision should be determined.

Question 19 having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?

SALC welcomes the proposal that the circumstances when a planning application may be refused on the ground of prematurity will be built into the National Planning Policy Framework rather than simply being in guidance if this helps prevent suitable emerging plans from being dismissed.

Please feel free to contact me if you would like to discuss SALC's response to the consultation. It is imperative that communities are properly empowered and are not damaged by the inappropriate application of these proposals.

We would welcome a dialogue about constructively building on the impressive role of this network of democratic local town and parish councils in constructively supporting their communities in connection with the planning system.

Yours sincerely

SS Bendix

Shona Bendix
Chief Executive Officer

Kersey (BDC)

