

Bungay Town Council's response to the invitation by the Examiner to provide comments on representation made at Regulation 16

The Bungay neighbourhood plan has been through the Regulation 16 consultation and East Suffolk Council (ESC) has presented the representations made in the report, *Responses to Bungay Neighbourhood Plan, Regulation 16 Publicising a Neighbourhood Plan (June 2022)*.

The Examiner, Mr Collison, has kindly allowed Bungay Town Council the opportunity to comment on any of those representations. Most of the comments are relatively minor and the town council is confident that the Examiner will use his professional judgement on how much weight to give these and what changes he would like to see made. The Town Council would, however, like to provide specific comments on a small number of the representations.

ESC's comments on P3 with regard to Policy H4 (the land allocated for development)

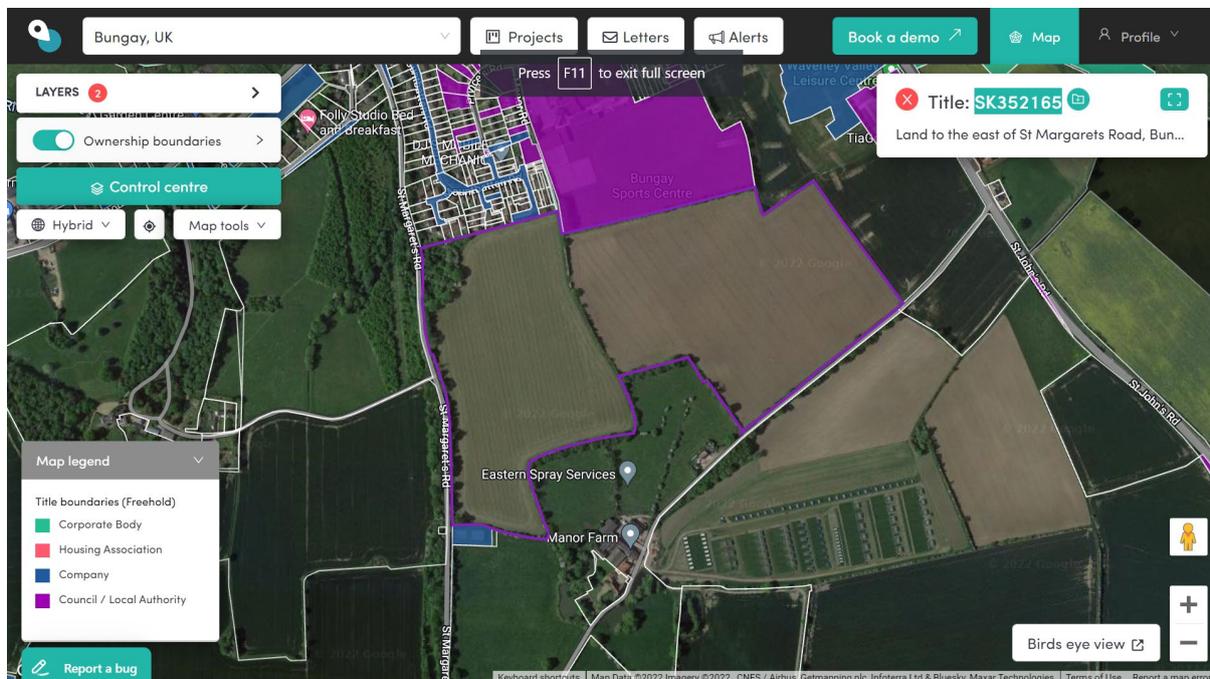
The comment sets out that, "The land allocated for housing by policy H4 requires access across more than one site including over third party land. The Council would want to be confident that there is agreement on the principle of this access amongst those involved if this site is to be allocated for development."

ESC has effectively set out that access to allocated site H4 must be off St Johns Road and has raised its concern that access will therefore be required over third party land. They have raised this before and we have corresponded and spoken to them about it. We do not really understand the issue.



The google earth image above shows the matter quite clearly. WLP5.2 is the land allocated in the local plan. It has two different landowners, one of whom provides the access onto St Johns Road as it adjoins the road, the land with the green border. The land shown with a yellow border has one landowner, whilst the land shown in green has another. Development of the whole of WLP5.2 therefore requires an agreement between the two landowners as the development of the parcel of land shown with the yellow border is dependent on access over the land shown with the green border. The allocation WLP5.2 has been through a thorough Examination in Public for the local plan and found to be deliverable.

Allocation H4 immediately adjoins part of WLP5.2; H4 is shown with a red border. The yellow bordered land and H4 are in the same ownership with the same title deed, which is SK352165. This title is shown below with the purple border. It will be noted that there is some land south of H4 in the same title but which has not been allocated.



Access from H4 into that part of WLP5.2 is therefore straightforward. As WLP5.2 can be delivered as determined by the Examination in Public and as repeatedly confirmed by ESC officers, then it follows that the matter of access to H4 from St Johns Road should not be an issue as access is really only required from H4 to the adjoining part of WLP5.2, which is in the same land ownership and which can be delivered through the local plan.

ESC has seemed to intimate that even then there could be an access issue as H4 will still require access over third party land. This is not the case. When WLP5.2 is developed in whole or in part, the access route over the third party land to St Johns Road will become public highway and so in public ownership. The highway authority will have a statutory duty to allow H4 access via that public road onto St Johns Road.

H4 will therefore not at any point require access over third-party land, and even if it did this would be addressed through the delivery of WLP5.2.

ESC also made the following comment on P3 in relation to H4:

"Criterion a: Masterplanning for this site and the neighbouring WLP5.2 site is supported. However, if site WLP5.2 is permitted/delivered ahead of this site then it may not be possible for the WLP5.2 and H4 sites to undergo a joint masterplanning process. Therefore this criterion should include some flexibility to allow for the masterplan to cover the H4 site only, if that is all that is feasible."

Once the neighbourhood plan becomes made, it becomes part of the development plan. ESC will be able to manage the development of both H4 and WLP5.2 as part of their development management duties. The requirement for masterplanning, if left in Policy H4, therefore becomes part of the development plan for ESC. It is commonplace for LPAs to manage wider development sites with multiple landowners with a view to having a masterplan for the purpose of having a cohesive and integrated development. The East Norwich Regeneration Scheme is an example of an area of land being masterplanned but which has multiple landowners. In Bungay, there would be only two landowners and so this shouldn't be too complicated.

The use of masterplanning also seems to be required by the NPPF which sets out on P20 that LPAs should "...ensure that appropriate tools such as masterplans and design guides or codes are used..."

Furthermore, Philip Ridley - Head of Planning and Coastal Management at ESC – personally guaranteed this to the town council. It is therefore not only possible from a professional planning point of view, the commitment of senior management is also in evidence.

ESC's comments on P4 in relation to Policy ENV1 (Green Corridor)

The ESC representation on P4 sets out, *"The policy wording applies to all developments within the corridor defined in fig. 6. However, fig. 6 is titled 'Illustrative proposed Green Corridor', indicating that this is only an illustrative area for the green corridor. As such it is not clear if the policy should be applied rigidly to all development falling within the corridor shown in fig. 6, or if it should be applied more flexibly to developments in the region of the corridor in fig. 6. Again, this makes it unclear how the policy should be applied by applicants/agents and decision-makers."*

To be clear, Figure 6 uses the word *illustrative*, not the word *indicative*. ESC's comments would be more valid if the word *indicative* had been used. The use of the word *illustrative* simply means the green corridor is illustrated by the map. However, if this will cause confusion then BTC would support an alternative title for fig. 6.

ESC's comments on P2 in relation to Policy H3 (Affordable housing)

The ESC representation on P2 sets out, *"This section of the plan identifies a very high need for affordable rented homes and the second para. of the policy requires 90% of Affordable homes to be provided affordable rent. However, the exception site element in the final para. of the policy allows only for First Homes to be provided. Restricting exceptions sites to First Homes only seems incongruous with the identified high need for affordable rented homes."*

It is the understanding of BTC that Rural Exception Sites would not apply to Bungay as it does not meet the definition. Be that as it may, if they are relevant to Bungay then they are supported by the NPPF and national policy does not need to be repeated in the BNDP. Policy H3 does not say that First Homes Exception Sites are the only type that would be allowed, it simply has a set of criteria that should be used for First Homes Exception Sites that are providing a route to home ownership.

ESC's comments on P2 in relation to para 71

The ESC representation on P2 sets out, *"2nd sentence: infrastructure capacity issues will not be managed by the district Council. Preparation of the neighbourhood plan should include engagement with infrastructure providers to ascertain their specific views. This was previously highlighted in our reg. 14 response."*

Most infrastructure matters are considered by the LPA when developing the local plan, such as the capacity of the schools or Waste Treatment Centres. The fact that we were provided with an indicative housing requirement by ESC that was in conformity with the local plan suggests that any capacity issues were already factored into the local plan and would be managed by ESC as part of its implementation of the local plan.

Infrastructure capacity matters have to be managed by ESC through its development management role when determining planning applications. The town council has no role in this apart from as a consultee.

Infrastructure providers were consulted at Regulation 14 as ESC provided the town council with a list of relevant statutory consultees.

ESC's comments on P6 in relation to the Strategic Environmental Assessment

ESC has set out, *"This included comments in relation to how the alternative site had been assessed and the approach to consideration of alternatives, as well as a number of other more detailed points. In order to support the preparation and implementation of the Neighbourhood Plan, the SEA Report should provide a full and*

robust assessment of the plan and alternatives, and the Council anticipates that the Examiner will give consideration to these matters in examining the Neighbourhood Plan."

This alludes to the preference for the SEA to have assessed each potential site separately. Previously ESC has said that, "*.....each alternative site should be assessed specifically against each of the SEA objectives and questions. Whilst detailed assessments of the policies have been included in Appendix C there doesn't appear to be any equivalent detailed assessments of the sites individually and the reasonable alternatives – these need to be included so that it is clear how they perform against the SEA framework and therefore what has informed the description of the effects.*"

As set out in the Consultation Statement, we feel the approach taken, to assess each of the reasonable alternatives against the relevant SEA themes, meets the legal requirements without including detailed assessments against each of the SEA objectives and questions. No feedback was received from the statutory consultees in relation to the approach not meeting the requirements. We have spoken with AECOM, the framework consultancy used by Locality to carry out SEAs on neighbourhood plans across England, and they confirmed that our approach is the same as the one they use, and that the approach used by some LPAs, such as ESC, is out-dated. AECOM SEAs have supported a large number of neighbourhood plans that have successfully passed their examinations.

Another reason for our adding 209/H4, is that we have argued that the capacity of the present attenuation pond is for the 150 homes of phase one of the building and that more land on WLP5.1 will be needed for attenuation for the rest of the allocation on WLP5.2, thereby rendering building 85 homes on WLP5.1 unrealistic. H4 provides more space than would be needed for the displaced 85 houses, allowing further expansion of the numbers to be built.

On a final note, we feel that we have been very proactive in allocating quite a large site for housing. As part of the process we carried out a call for sites, all known available sites were assessed against a range of criteria, consultations were carried out, and they were also assessed as part of the SEA. This seems more than adequate. We have also gone to great lengths to speak to the council and to the agent for the landowner, the result of which is that we are confident the site is not only the most appropriate one to meet the indicative housing requirement but is also deliverable. We feel we have addressed all the issues that have been raised previously.