

Babergh District Council



Lavenham NP2 2023 - 2037

2nd Focused consultation (Jan 10 to Jan 26 2024)

In late December 2023, the Government published a new version of the National Planning Policy Framework (the NPPF). This replaces the version published in September 2023 which formed part of a previous consultation exercise held on the submission draft Lavenham Neighbourhood Plan 2 (LNP2).

This second focused consultation ran from Wednesday 10 January until Friday 26 January 2024. It asked the following question: *Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the LNP2 with regard to it meeting the relevant basic condition test?*

For record, a copy of the consultation letter follows this cover page.

Seven representations were received in total. The relevant persons / organisations are listed below and copies of their responses are attached.

Lavenham Parish Council were also given the opportunity to respond to these new representations and their comments, received on 5 February 2024, are also included at the end of this document.

Ref No.	Consultee
(1)	Lavenham Parish Council
(2)	Babergh District Council
(3)	Historic England
(4)	Water Management Alliance
(5)	Lavenham Community Land Trust
(6)	Resident - Aspa
(7)	The Lavenham Press Ltd
(8)	Response from Lavenham Parish Council to the above representations

Our ref: LNP2 - 2nd Focused Consultation (Jan '24)

Date: Wednesday 10th January 2024

Sent by e-mail

Dear Sir / Madam

Lavenham Neighbourhood Plan 2

2nd Focused consultation on Basic Condition test following publ. of new NPPF (ends 26 Jan 2024)

We are contacting you because you are a statutory consultee or because you have previously made a representation on the submission draft Lavenham Neighbourhood Plan 2 (LNP2). This plan is currently at the examination stage.

In late 2023, we carried out a focused consultation exercise on LNP2 with regard to it meeting two of the basic condition tests. The consultation was prompted by our adoption of Part 1 of the Babergh & Mid Suffolk Joint Local Plan, and the publication (in September 2023) of a revised National Planning Policy Framework (the NPPF). The consultation exercise closed on 11th December 2023. Subsequent to this, over the 19th and 20th December 2023, the Government published a more comprehensive update to the NPPF. This now replaces the September 2023 version which formed part of our consultation.

Of relevance to Lavenham, basic condition a). requires that all neighbourhood plans must *'[have] regard to national policies and advice contained in guidance issued by the Secretary of State.'* While the timing of the events described in the previous paragraph are unfortunate, in conversation with the Examiner, it had been decided that it would be prudent to undertake a further period of focused consultation on LNP2.

We are therefore inviting further comments on the following question:

Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the LNP2 with regard to it meeting the relevant basic condition test?

Additional guidance notes are provided overleaf. Please read and understand these before deciding whether to respond.

The deadline for submitting a response is 4:00pm on Friday 26th January 2024

Yours faithfully

Paul Bryant

Neighbourhood Planning Officer | Planning & Building Control

Babergh & Mid Suffolk District Councils

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Additional consultation guidance notes

The National Planning Policy Framework (Dec 2023)

- The latest version of the NPPF can be found on the '.gov.uk' website: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- You may also find the following link useful - <https://draftable.com/compare/oNlyoxfptrDJ>. This compares the Dec. 2023 NPPF against the Sept. 2023 version.

Nb: This link has been widely shared across the planning community. Because it has been prepared by a 3rd Party, Babergh District Council accept no responsibility for any transcription errors therein.

The Basic Conditions

- Planning Practice Guidance on neighbourhood planning provides an overview of the basic condition tests: <https://www.gov.uk/guidance/neighbourhood-planning--2#National-policy-and-advice>

This focused consultation

- A link to the submission draft version of LNP2 can be found under the 'Previous stages...' section on our website: <https://www.babergh.gov.uk/web/babergh/w/lavenham-neighbourhood-plan>. There is also a link to the Basic Conditions Statement (April 2023) that was submitted with the Plan at that time.
- As stated, this is a focused consultation exercise. The question being asked is: ***'Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the LNP2 with regard to it meeting the relevant basic condition test?'***
- If you have previously made representations on this plan that are unaffected by any of the changes to the NPPF, you do not need to re-submit your comments. All representations received during the Regulation 16 stage and the previous focused consultation stage will be 'rolled forward'.
- This is not an opportunity to submit new comments or to provide additional information connected to any previously made representation that is not relevant to the question being asked.
- **If you decide to submit a representation, please clearly identify which part of LNP2 this relates to and what change(s) need to be made to ensure that this plan can meet the basic condition test.**
- Whilst all the changes introduced through the NPPF may be relevant to LNP2, the Examiner has drawn the attention of the Parish Council to new paragraphs 73 and 164. The former may be relevant to LNP2 policies LAV13 & LAV17. The latter may be relevant to those parts of LNP2 that relate to energy efficiency in homes.
- At the end of this consultation exercise, all valid representations will be shared with the Examiner and with Lavenham Parish Council. The latter will also be given an opportunity to respond to any new issues raised. Your representation(s) and any response forthcoming from the parish council will be published on our LNP2 webpage.
- **Comments should be sent by e-mail to: communityplanning@baberghmidsuffolk.gov.uk.** If that is not possible, please post them to: LNP2 Consultation (Jan 24), c/o Mr Paul Bryant, Spatial Planning Team, Babergh District Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
- **All comments must arrive by the stated deadline ... 4:00pm on Friday 26th January 2024**

(1) Lavenham Parish Council

By e-mail

Rec'd: 18 January 2024
From: Andrew Smith (Clerk to Lavenham PC)
To: Paul Bryant (BMSDC), Janet Cheesley (LNP2 Examiner)
cc: Roy Mawford (Chair - LNP2 Revision Group),
Subject: [LNP2 2nd Focused Consultation]

Dear Paul and Janet,

Further to Paul's email of January 10th 2024 explaining that there is a second focused consultation, consequent of the revisions to the NPPF made in December 2023, asking the question: 'Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the LNP2 with regard to it meeting the relevant basic condition test?' the Parish Council's representations are as follows:

The Parish Council wishes to draw the LNP2 Examiner's attention to NPPF December 2023 Paragraph 73, which includes new text relating to community-led developments.

In light of the new text relating to community-led development, and to strengthen the alignment between NPPF December 2023 and LNP2, the Parish Council considers it would be prudent for minor clarifications to be made to:

- LNP2 Policy LAV 17 Clause 1 (in addition to those already suggested in response to Regulation 16 representations)
- Supporting paragraph 7.5.1 and the LNP2 Glossary.

A) Assuming the clarifications already suggested have been accepted, Clause 1 should be further clarified to include specific reference to community-led developments, as follows

- 1 *Proposals for small-scale affordable housing schemes on rural exception sites and exception sites for community-led development that are adjacent to the settlement boundary and well-connected to key services, where housing would not normally be permitted by other policies, will be supported provided that:*
 - a. *the proposal by virtue of its size, scale and type will not exceed the identified local need;*
 - b. *the types of dwellings to be provided are consistent with the needs identified in housing needs surveys undertaken for Lavenham Parish;*
 - c. *they are not significantly damaging to the Defined Views into and out of Lavenham and are not detrimental to the wider Parish landscape;*
 - d. *the proposal is appropriate to the size/scale and character of the village – consistent with LAV 13, the community strongly prefers schemes of no more than 12 dwellings;*
 - e. *the proposal is also acceptable in terms of other detailed considerations such as site location and circumstances, design, layout, materials, landscaping, biodiversity, impacts on the countryside, amenity and access, flood risk etc; and*
 - f. *the affordable housing is provided in perpetuity.*

B) A second sentence should be added to supporting paragraph 7.5.1, as follows:

- 7.5.1 *The purpose of Policy LAV 17 is to adopt a supportive approach to the delivery of additional rural exception sites where it can be demonstrated that the scheme will meet Lavenham-specific needs for affordable housing. The definitions of rural exception sites and community-led development (see Glossary) are as set out in Annex 2 of NPPF December 2023.*

- C) The NPPF December 2023 (Annex 2) definitions of rural exception sites and community-led development (as set out above in this report) should be added to the LNP2 Glossary.
- D) All references to NPPF in LNP2 submission version should be updated to correspond with NPPF December 2023.

With very best wishes

Andrew Smith
Clerk to Lavenham Parish Council

[Ends]

(2) Babergh District Council

Our ref: LNP2 Focused Consultation

Dated: 26 January 2024

From: Planning Policy Team, Babergh District Council

To: Janet Cheesley (LNP2 Examiner)

cc: Lavenham Parish Council (Andrew Clarke et.al), and
Rachel Hogger (LNP2 consultant)

Dear Janet, (All)

1. **Lavenham Neighbourhood Plan 2 [LNP2]**
2. **Focused consultation following publication of the new NPPF (Dec 2023)**

This response is made for and on behalf of Robert Hobbs (Corporate Manager for Strategic Planning at Babergh & Mid Suffolk District Councils). We ask that it be read in conjunction with our Regulation 16 representation on the above Plan.

This consultation exercise was arranged in response to the publication of a new National Planning Policy Framework (NPPF) in late December 2023. It asked the following question:

Do any of the changes introduced through the new National Planning Policy Framework (Dec 2023) have implications for the LNP2 with regard to it meeting the relevant basic condition test."

Our comments below deal specifically with NPPF paragraphs 73 and 164. These were highlighted as being of particular relevance to LNP2. Our comments have also been informed through having early sight of the representation from Lavenham Parish Council [the qualifying body, or QB] prior to the consultation deadline. We thank them for sharing that with us and, as a consequence, it also seems sensible for us to refer directly to their proposed modifications and only suggest additional changes where we think these might be helpful.

1. **NPPF para 73 and LNP2 Policies LAV 13 / LAV 17**

New NPPF paragraph 73 (formerly paragraph 72, July 2021 & Sept 2023), replaces 'entry-level exception sites' with 'exception sites for community-led development'. The definition of the former has been removed from the NPPF glossary (Annex 2) and we have a new definition for the latter. Paragraph 73 also explains that a community-led development [CLD] could come forward on an exception site "*that would not be suitable for a rural exception site*", and we are still pondering over the circumstances in which this distinction might apply. We also felt that it was unclear whether or not the homes provided on a CLD site (excluding any open market homes) should remain affordable in perpetuity. We can only hope that further clarity on these points might be forthcoming at a later date.



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Turning to the QBs response, we see they are proposing that minor modifications be made to the first sentence in Clause 1 of Policy LAV 17, to include additional text in supporting paragraph 7.5.1, and to update the glossary so that now includes the NPPF (Dec 2023) definitions for both rural exception sites and community-led development. All of these proposed changes seem reasonable.

To complement the QBs proposal re Clause 1 of Policy LAV 17 we suggest that a similar modification be made to criterion 2.a in Policy LAV 13 (A Spatial Strategy for Lavenham), i.e.,:

2. Outside the settlement boundary, development will be restricted to:
 - a. Rural or other community-led exception sites on the edge of the settlement boundary where such a scheme accords with Policy LAV 17 of this Plan

2. NPPF para 164 and LNP2 Policy LAV 2

LNP2 already contains policies that encourage energy efficiency and low carbon heating improvements to existing buildings, e.g. policies LAV 3 and LAV 4. The supporting text to policy LAV 2 also discusses retrofitting energy efficiency measures to existing dwellings.

In light of new NPPF paragraph 164, we suggest that it would also be helpful if criterion 2 in policy LAV 2 were to be amended to read as follows:

2. *Applicants are encouraged to achieve the operational targets for both new and existing homes set out in the Lavenham Design Guide 2023, and as described in the supporting text to this policy.*

As brief as they are, we trust that our comments are helpful.

Kind regards,

Paul Bryant
Neighbourhood Planning Officer
Babergh & Mid Suffolk District Councils
T: 01449 724771 / 07860 829547
E: communityplanning@baberghmidsuffolk.gov.uk

[Ends]

(3) Historic England

By e-mail

Rec'd: 16 January 2024

Subject: Lavenham Neighbourhood Plan - Focussed Consultation)

Dear Paul,

Thank for inviting Historic England to comment further on the Lavenham Neighbourhood Plan following the recent amendments to the NPPF.

In response to the question “*Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the [Lavenham] NP with regard to it meeting the relevant basic condition test?*” and accompanying guidance note, we do not wish to make any further comment.

Kind regards,

Ross McGivern (he/him)
Historic Places Adviser

East of England Region
Partnerships Team
Historic England | Brooklands
24 Brooklands Avenue | Cambridge | CB2 8BU
Tel: 01223582709
Follow us on Twitter at [@HE_EoE](https://twitter.com/HE_EoE)



Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

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(4) Water Management Alliance

By e-mail

Rec'd: 10 January 2024

Subject: RE: Lavenham NP2: Second focused consultation (ends Fri 26 Jan 2024)

Good afternoon,

Thank you for your consultation on the above planning application. Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Water Management Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

Kind Regards



Pardip Choat BSc (Hons)

Sustainable Development Officer

Water Management Alliance

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Registered office: Pierpoint House, 28 Horsley's Fields, Kings Lynn, Norfolk, [PE30 5DD](postcodes:PE305DD)

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What3Words: [caring.employ.visit](https://www.what3words.com/caring.employ.visit)

WMA members: [Broads Drainage Board](#), [East Suffolk Water Management Board](#), [King's Lynn Drainage Board](#), [Norfolk Rivers Drainage Board](#), [South Holland Drainage Board](#), [Waveney, Lower Yare and Lothingland Drainage Board](#)

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Defenders of the Lowland Environment

[Ends]

(5) Lavenham Community Land Trust

By e-mail

Rec'd: 30 January 2024 (by prior agreement)

Subject: LNP2 Examination focused consultation

Dear Paul,

[See below] the LCLT representation relating to this focussed consultation.

Regards

Carroll Reeve, Chairman

Lavenham Community Land Trust

Lavenham Community Land Trust - Revised Lavenham NP Focussed Consultation Jan 2024

Recommendation to the Independent Examiner

This focussed consultation looks specifically at the latest National Planning Policy Framework (NPPF) and its impact on the draft new Neighbourhood Plan (NP2) for Lavenham.

The main shortcomings of NP2 have already been highlighted through the Regulation 16 process.

The latest NPPF clearly endorses the view that sustainable development (and therefore prosperity) within a community requires homes for all, including affordable homes to rent, buy and run, where need is proven.

Lavenham Community Land Trust (LCLT) is working on bringing forward such sites with the help of our Local Authority and Registered Providers. These sites and the accommodation provided meet the current NPPF and local demand. The NP2 may however require reworking to ensure that these and similar developments are not thwarted by policies that are too tightly drawn. The danger is that NP2 policies either by design or application will deny the development of any homes, especially for those with greatest need, during the plan period. To be sustainable the parish also needs a degree of low-cost open market housing. The current NPPF provides the opportunity for NP2 to more clearly recognise this.

Paragraph 73 to the NPPF highlights Rural Exception Sites (RES) and how they may contribute to sustainable development. The availability of this source of land relies on the goodwill of the land owner and undue restrictions placed on its relationship to any existing settlement boundary and any proscribed limitation outside the para 73 definition could be counterproductive in bringing RESs forward. Policy LAV 17 clearly falls into this trap and requires a much lighter touch to incentivize land owners and others to bring forward such developments.

In line with previous NPPFs it aims at delivering sustainable development, including the provision of homes. Below we highlight at Appendix A the relevant paragraphs of the NPPF that need to be revisited to ensure that aims of the NPPF as a whole are addressed in NP2.

Background

Lavenham Community Land Trust (LCLT) was formed in 2014 as a Community Benefits Society for the benefit of residents in and around the village of Lavenham. Our aims are to provide and manage well designed, high quality and energy efficient homes and other community assets. See (<http://lavenhamclt.onesuffolk.net/>). The LCLT was formed out of the work undertaken for the current made Neighbourhood Plan.

To date with others, we have delivered the award-winning Peek Close development of 18 high specification homes in 2019. 13 are for rent and 5 are shared ownership, all enjoy low running costs.

In 2022 we sponsored a Housing Needs Survey for the village of Lavenham, independently undertaken by Community Action Suffolk. This identified a need for 99 homes in the village, see the Executive Summary at <http://lavenhamclt.onesuffolk.net/assets/Photos/Lavenham-HNS-Report-Executive-Summary-2022.pdf>. The full report is available upon request.

Local Plan

The Babergh and Mid-Suffolk Joint Local Plan (JLP) will provide a framework for shaping communities and guide development until 2035. We need in Lavenham a strategy to meet local proven need for homes where they are needed and that are affordable to either rent or own and run. The requirement for a local strategy is underscored in the current NPPF (December 2023). Local in this context is the parish of Lavenham.

Housing need

The most recent Local Housing Needs Survey was carried out in the summer of 2022, independent of LCLT by Community Action Suffolk for the benefit of the village and was immediately shared in full with Lavenham parish council and its NP2 group. As detailed above, this identified a need for 99 homes and can be viewed at: <http://lavenhamclt.onesuffolk.net/home/housing-needs/>

Neighbourhood Planning

The current Lavenham Neighbourhood Plan (NP) was made in September 2016 and was considered by the Examiner as enjoying a *“clear explanation of objectives and logical justifiable explanation of the many policies”* and *“a clear approach to housing provision”*.

A new NP2 is currently out for Examination. There is some doubt as to the validity of this Plan as only a small minority of residents were engaged with the process, some 12 percent and then only a smaller number appeared to endorse a recommendation not to allocate sites and to seek to reduce any development size down to 12 dwellings from 24 in the made NP. Additional information has been made available previously under Regulation 16.

Apart from the low level of engagement with the community the plan ignores representations by parishioners, community groups and the evidence based 2022 Local Housing Needs Survey.

The current NPPF highlights the need for sustainable development and underlines the role that housing plays in this. It also calls for strategic plans based on objectively assessed need, especially in a rural setting. Moreover, Plans (and Neighbourhood Plans are not precluded) may need to be revised to fit within the

NPPF. The deemed limitation of any development not exceeding 12 may also be a limiting factor in meeting the NPPF.

**Lavenham Community Land Trust
January 2024**

Appendix A

Extracts from the National Planning Policy Framework (December 2023). Page and paragraph references are to the NPPF for ease of reference.

Page 5 Paragraph [Section] 2 - Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

Page 6 - The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Page 7

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Page 8 - 3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Page 9 - Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision¹¹ for: a) housing (including affordable housing), employment, retail, leisure and other commercial development;

Page 10 - Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Foot note - 16 Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Page 11 - Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Page 17 - Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁸; people who rent their homes and people wishing to commission or build their own homes²⁹.

Page 20 - Identifying land for homes

73. Local planning authorities should support the development of exception sites for community-led development³⁶ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

- a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
- b) be adjacent to existing settlements, proportionate in size to them³⁷, not compromise the protection given to areas or assets of particular importance in this Framework³⁸, and comply with any local design policies and standards.

[37 Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.]

Pages 22/23 - Rural housing

82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

Page 65 - Annex 1: Implementation

For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication⁷⁹. Plans may also need to be revised to reflect policy changes which this Framework has made.

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);

(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and

(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

(6) Resident – Mr Aspa

By e-mail

Rec'd: 26 January 2024

Subject: LNP2 consultation

Good afternoon Paul

Please forward below as appropriate. Thank you.

LNP2 would have allowed market-priced isolated houses to be built on the west side of Park Road. I understand that changes to LAV 13, 2a and 2c, would now close this option.

This should be made clear on the Neighbourhood Plan by colour-coding both sides of Park Road with the ALLS symbol.

Mr Aspa

[Ends]

(7) The Lavenham Press Ltd

By e-mail

Rec'd: 26 January 2024

Subject: RE: Lavenham NP2: Second focused consultation (ends Fri 26 Jan 2024)

Dear Mr. Bryant

Thank you for advising me of the further focused consultation exercise and inviting my comments with regard to the relevance to the proposed Lavenham NP2 of the December 2023 changes to NPPF.

My objection to the inclusion of Policy LAV 31 is well documented and I shall leave it to the examiner to determine whether the recent changes to NPPF adds further supports to this.

Kind Regards

Terence Dalton // Chairman

The Lavenham Group // www.lavenhampress.co.uk

[Ends]

(8) Lavenham PC response to 2nd focused consultation reps

By e-mail

Rec'd: 5 February 2024

To: Janet Cheesley (LNP2 Examiner), Paul Bryant (BMSSDC),

Cc: Roy Mawford & Irene Mitchell (Lavenham PC), Rachel Hogger (Modicum Planning)

Subject: [Response to] LNP2 Focused consultation reps

Dear Janet,

Thank you for giving us until this afternoon to respond to the six representations made by organisations/individuals other than ourselves:

- 1) Babergh District Council: We thank Babergh District Council for their suggestions with which we agree.
- 2) Historic England: A 'no comment' representation which therefore requires no response.
- 3) Water Management Alliance: A 'no comment' representation which therefore requires no response.
- 4) Mr Richard Aspa: Mr Aspa remains concerned about the possibility of market-priced isolated houses being built on the west side of Park Road, which is not included in LNP2's proposed ALLS. We have already responded to his Reg 16 representation about the ALLS (Policy Concern P22, LAV 35 & 37). The only related change made in NPPF December 2023 is to renumber the previous Paragraph 80, which permits residential development in exceptional circumstances outside settlement boundaries, and so our response is to suggest that all references in LNP2 to this paragraph should be renumbered accordingly.
- 5) The Lavenham Press: Mr Dalton notes that his objection to Policy LAV 31 is well documented and makes no further comments. We have no further response.
- 6) The Lavenham Community Land Trust. Our response to this is contained in the attached 'LPC Responses to NPP Dec 23 Focused Consultation Representations.doc'. **[BDC note: See next page]**

With very best wishes

Andrew Smith

Clerk to Lavenham Parish Council

LAVENHAM PC RESPONSE TO LNP2 FOCUSED CONSULTATION (NPPF DEC 2023) REPRESENTATION FROM LAVENHAM COMMUNITY LAND TRUST (LCLT)

This consultation exercise is focused only on the changes to the NPPF, from the version issued in September 2023 to the version issued in December 2023. These changes include those made to new paragraph 73 (previously paragraph 72).

Those changes are the basis on which LCLT says: *The latest NPPF clearly endorses the view that sustainable development (and therefore prosperity) within a community requires homes for all, including affordable homes to rent, buy and run, where need is proven. LCLT is working on bringing forward such sites with the help of our Local Authority and Registered Providers. These may require reworking to ensure that these and similar developments are not thwarted by policies that are too tightly drawn. The danger is that NP2 policies either by design or application will deny the development of any homes, especially for those with greatest need, during the plan period'.*

LCLT adds: *Paragraph 73 to the NPPF highlights Rural Exception Sites (RES) and how they may contribute to sustainable development. The availability of this source of land relies on the goodwill of the landowner and undue restrictions placed on its relationship to any existing settlement boundary and any proscribed limitation outside the para 73 definition could be counterproductive in bringing RESs forward. Policy LAV 17 clearly falls into this trap and requires a much lighter touch to incentivize landowners and others to bring forward such developments.*

In our opinion LCLT continues to confuse the findings of its 2022 Local Housing Survey (LHS). It says that a need for 99 homes was identified. We recognise that the LHS indicated a demand for 99 homes, but these included both market housing and affordable homes. Our analysis of the LHS recognises that 52 households needed affordable homes, while the other 47 wanted market housing.

LNP2 acknowledges the demand for market housing, which was also identified through our estate agent survey. LNP2 also acknowledges the need for affordable housing. We commissioned an economic analyst to examine house prices, and the relationship between earnings and market housing costs, in Lavenham – this report showed the extent to which market housing was out of reach to those on local incomes.

The Parish Council's reply to criticisms that LNP2 fails to address the need for affordable housing is set out in the attached extract from our September 2023 Responses to Reg 16 Consultation Representations (Specific Concern About Housing, H1). We do not see how the changes in NPPF December 2023 Paragraph 73 require the changes sought by LCLT to LNP2. For example, the references to exception sites, and the possibility of some market housing as part of developments on such sites, are all broadly consistent between LNP2 and NPPF December 2023.

The Council has previously replied to criticisms relating to LNP2's strong preference for individual developments to be of no greater size than 12 units. This reply is set out in the attached extract (Specific Policy Concerns, P2). We again do not see how the changes in Paragraph 73 should require the changes sought by LCLT to LNP2. For example, we feel that LCLT is advocating a much lighter touch than is required to achieve LNP2's relatively modest development aspirations.

LCLT says that NPPF December 2023 Paragraph 73 highlights Rural Exception Sites (RES). But it seems to us that the changes in this paragraph relate more to the newly defined Sites for Community-led Development.

For reference, NPPF December 2023 Paragraph 73 reads as follows:

Local planning authorities should support the development of exception sites for community-led development³⁶ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

- a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
- b) be adjacent to existing settlements, proportionate in size to them³⁷, not compromise the protection given to areas or assets of particular importance in this Framework³⁸, and comply with any local design policies and standards.

Footnote 36 reads: This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

Footnote 37 reads: Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

Footnote 38 reads: i.e. the areas referred to in footnote 7.

The revisions to this paragraph and its footnotes are underlined in the text above.

For further reference, the NPPF September 2023 version of this paragraph (then numbered 72) reads as follows:

~~Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met in the authority's area. These sites should be on land which is not already allocated for housing and should:~~

- a) ~~comprise of entry-level homes that offer~~ one or more types of affordable housing as defined in Annex 2 of this Framework, and ... [no further deletions]

Deletions to the September 2023 version are crossed through.

LCLT concludes this representation by repeating criticisms, made in its Reg 16 consultation representation, about the validity of LNP2. Our reply to these criticisms is set out as well in the attached extract (General Concerns About LNP2, G3 to G7). LCLT makes no attempt to link its concluding text with NPPF changes.

5 February 2024

LAVENHAM PARISH COUNCIL RESPONSES TO REG 16 CONSULTATION REPRESENTATIONS

EXTRACTS FROM RESPONSES TO CONCERNS

GENERAL CONCERNS ABOUT LNP2

G3. LNP2 policies based on insufficient community engagement:

We accept that our level of community engagement was less than that undertaken when LNP1 was being prepared in its early stages. But our Reg 15 Consultation Statement shows the extensive level of engagement we achieved, notwithstanding the constraints imposed by the Covid19 pandemic. And, in the more advanced plan preparation stage, the level of engagement achieved as part of LNP2 cannot be said to have been less than that achieved at the same stage on LNP1.

The Consultation Statements supporting both neighbourhood plans demonstrate the above (see <https://www.babergh.gov.uk/planning/neighbourhood-planning/neighbourhood-planning-in-babergh/lavenham-neighbourhood-plan/>).

For example, the Consultation Statement supporting LNP2 tells us (see Section 8, paragraph 14) that 42 residents and 12 statutory consultees prepared written responses to the Regulation 14 LNP2, whereas the Consultation Statement supporting LNP1 tells us (see paragraph 6.5) that 23 residents and seven statutory consultees prepared written responses to the Regulation 14 LNP1.

G4. LNP2 policies based on insufficient evidence:

This concern is contradicted by the fact that LNP2 policies were formulated based on information obtained from various sources, including:

- Historic England,
- Natural England,
- Office of National Statistics,
- Citizens Advice,
- Suffolk County Council (several sources),
- Suffolk Biodiversity Information Service,
- Babergh District Council (several sources).

G5. Failure to include 2022 Local Housing Survey (LHS) evidence:

Lavenham Community Land Trust (LCLT) made available to us the 2022 LHS report in early November 2022, four weeks before the date on which the Reg 14 draft LNP2 consultation documents were published, which was too late for the report's findings to be incorporated in those documents. But the relevant LHS findings were incorporated into the LNP2 Reg 15 submission version. (Reg 15 Consultation Statement Appx 10, Schedule of Changes to Reg 14 LNP2, number 36, LNP2 reference: Paragraph 7.5.5).

G6. 2021 Census evidence not included:

The Reg 4 draft LNP2 consultation documents included parish-level 2011 Census information, which was the most up to date in autumn 2022. Parish-level 2021 Census information became available in early 2023 and was incorporated into the LNP2 Reg 15 submission version. (Reg 15 Consultation Statement Appx 10, Schedule of Changes to Reg 14 LNP2, number 6, LNP2 references: Paragraphs 4.3, 4.4, 4.5, 4.6)

G7. Unreliable evidence from 2021 LNP2 Questionnaire:

The 2021 LNP2 Questionnaire return rate was not as high as we would have hoped, although this may well have been affected by the Covid19 pandemic. But the Questionnaire is still a reliable information source. We note that some neighbourhood plans have been developed from on-line surveys conducted on commercial platforms. For guidance, Smart Survey says: 'typical survey response rates can lie anywhere between 5% and 30%', and our rate fell well within that range. Perceptions of unreliability could simply reflect disagreement by some respondents with the majority views of those who returned questionnaires.

A residents' survey was also undertaken in 2013, 68% of respondents to which, considered that more housing was needed in Lavenham, although 82% of respondents would not support more than 100 new dwellings. And LNP1's strong preference for a maximum of 24 dwellings in a housing development was accepted by its Examiner, and by the community at the parish-wide referendum. Between 2016 and 2021, 120 new dwellings were built in Lavenham (Source: LNP2 Pre-submission version, Appendix 2). So, it is perhaps unsurprising that attitudes towards further housing development were different in 2021 to those expressed in 2013. This is 20% more than most respondents in 2013 were prepared to support.

SPECIFIC CONCERNS ABOUT HOUSING

H1. Failure to address need for affordable housing:

LCLT carried out a Local Housing Survey (LHS) in summer 2022. 248 Lavenham households participated, including 99 whose housing requirements were not being met. LCLT says in its representation that all 99 households need affordable housing. But recent further analysis of the (confidential) LHS Report identifies some households saying they were unable to move because market homes were unavailable, and not because these homes were unaffordable.

Indeed, the publicly available executive summary to the LHS report, available to view here <http://lavenhamclt.onesuffolk.net/home/housing-needs/> refers to 99 households, representing 105 people, needing additional housing but not additional affordable housing. Instead it refers to the "majority of respondents" indicating that "they were prevented from moving due to a financial reason".

Our analysis indicates that 52 of these households needed affordable homes, while the other 47 wanted market housing. It also indicates that the combined waiting list (Gateway to Home Choice and other lists) at the time the survey was undertaken was between 27 and 38 people.

We now request that the second paragraph of 7.5.5 is redrafted in full, to read as follows: *The Lavenham Community Land Trust carried out a Local Housing Survey in June 2022. Survey forms went to each of the 950 households in Lavenham. 248 forms were returned from households comprising a total of 500 residents. The survey identified 99 households seeking alternative accommodation, of which 52 needed affordable homes and 47 wanted market homes.*

The Local Planning Authority (LPA) has told us that its indicative minimum additional housing requirement for the period 2018 to 2037 is 118 dwellings. To date, 113 dwellings are either already built or in the development pipeline (Source: LNP2 Submission version, Appendix 2).

So, LNP2 is not being asked by the LPA to deliver a significant additional number of new dwellings. In this very different context to LNP1 in 2016, LNP2 puts forward the strong community preference for a maximum of 12 dwellings in any housing development.

Two pieces of work were commissioned (referred to in LNP2 Submission Version, Chapter Seven, alongside the LHS) that complement and reinforce the LHS's findings:

- An informal survey of local estate agents confirmed the unmet demand for market housing.
- An economic analyst examined house prices, and the relationship between earnings and market housing costs, in Lavenham – her report showed the extent to which market housing was out of reach to those on local incomes.

The LNP2 Submission Version recognises the unmet demand for housing, and the specific need for affordable homes:

- LNP2 includes specific policies for Affordable Homes (LAV 15), First Homes (LAV 16), Rural Exception Sites (LAV 17), and Specific Housing for Older People (LAV18) – the supporting text to these policies recognising LCLT’s role in the provision of affordable homes.
- LNP2 also includes general policies on Spatial Strategy (LAV 13) and Housing Mix (LAV 14) – these policies take account of the LPA’s indicative minimum additional housing requirement and the views of residents.
- Policy LAV 13 has a specific role in facilitating the delivery of affordable housing schemes focused on meeting village needs in coming forward. The up-to-date Settlement Boundary that supports this policy establishes where the principle of development applies (within the settlement boundary) and where it does not.
- As well as providing clarity for applicants, the LAV 13 settlement boundary also increases the likelihood of affordable housing schemes coming forward (where they comply with Policy LAV 17) outside the boundary. Without an up-to-date settlement boundary in place, the status of land can fall into question, leading to edge of village locations becoming at risk from market-led mixed development, which fails to deliver affordable housing that meets Lavenham’s needs.

The 2021 Census shows that Social Rented (21%) is the second largest type of housing by tenure (up from 20% in the 2011 Census). This percentage is substantially higher than the figure for England, and even more substantially higher than that for Babergh District as a whole. LCLT has made a positive contribution to achieving this significant figure.

But, in a 21/03 email to the Chair of LPC’s LNP Revision Group, the LCLT Board’s Chair confirmed that it wanted to continue with LNP1’s strong preference for a maximum of 24 dwellings in a housing development. The 21/03 LCLT email asserted that, if this number were to be reduced, then the delivery of affordable housing would fall to nothing – or, at best, the odd isolated unit.

This assertion (in the 21/03 LCLT email) was not supported with evidence, and it ignores the Hastoe Homes extensive portfolio of up to 12-unit schemes. Hastoe has developed in the recent past or is currently developing 16 schemes ranging from two to 12 dwellings, of which five are in Babergh District. It is also currently proposing such schemes, locally and elsewhere in England. (Hastoe worked with LCLT to develop the recent Peek Close affordable homes scheme in Lavenham.)

LPC feels the unmet demand for housing, and the specific need for affordable homes, has been properly and adequately recognised in the LNP2 Submission Version. (As a footnote, it is incorrect to say that developments of 10 DWELLINGS OR LESS do not require an affordable housing component. It is developments of LESS THAN 10 DWELLINGS that do not require this component.)

SPECIFIC POLICY CONCERNS

P2 (LAV 13). Amend text of Clause 4 (strong preference for 12 units):

The Local Planning Authority (LPA) has told us that its indicative minimum additional housing requirement for the period 2018 to 2037 is 118 dwellings. To date, 113 dwellings are either already built or in the development pipeline (Source: LNP2 Submission version, Appendix 2).

So, LNP2 is not being asked by the LPA to deliver a significant additional number of new dwellings. And LPC feels the unmet demand for housing, and the specific need for affordable homes, have been properly and adequately recognised in the LNP2 Submission Version – which includes a strong community preference (this wording is carried forward from LNP1, and is NOT a cap) for developments of up to 12 dwellings.

Please also see LNP2 paragraphs 7.1.2 & 7.1.3, and LNP2 supporting document 'Maximum Size of Residential Schemes'.

28 September 2023

[Ends]