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Sent by email to: [localplan@babberghmidsuffolk.gov.uk](mailto:localplan@babberghmidsuffolk.gov.uk)

Strategic Planning Policy Team  
Babergh and Mid Suffolk District Councils  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

Dear Sir / Madam

## **Representations to the Supplementary Planning Documents Consultation On behalf of Hopkins Homes**

On behalf of our client, Hopkins Homes, I am writing to make representations to the current Supplementary Planning Documents (SPDs) consultation. This letter provides our client's comments on the draft Housing SPD and the draft Biodiversity and Trees SPD.

Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents (SPDs). This includes the requirement to consult on draft SPDs and to prepare a consultation statement setting out the persons consulted, a summary of the issues raised and how those issues have been addressed. In addition, Regulation 8 states that SPDs must contain a reasoned justification of their policies and that these policies must not conflict with the adopted development plan.

The NPPF glossary defines SPDs as "*Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan*". Planning Practice Guidance (PPG) adds that SPDs "*should not add unnecessarily to the financial burdens on development*" (ID: 61-008).

The representations below are made with due regard to the above legal and policy context.

## **Housing Supplementary Planning Document**

### ***2.1 Strategic Policy 01 (SP01) – Housing Needs***

The Exchange | Colworth Science Park  
Sharnbrook | Bedford | MK44 1LZ  
t 01234 867135 | e [info@arplanning.co.uk](mailto:info@arplanning.co.uk) | w [www.arplanning.co.uk](http://www.arplanning.co.uk)

Armstrong Rigg Planning Ltd  
Registered in England & Wales No 08137553. Registered Address:  
The Exchange, Colworth Science Park, Sharnbrook, Bedford, MK44 1LQ.

### ***Approach to Open Market Mix***

Hopkins Homes support the provision of the table at paragraph 2.1.5 to identify the preferred mix for open market dwellings based on the evidence set out in the Ipswich Strategic Housing Market Assessment (SHMA, 2017 with a partial update in 2019). This provides useful detail that is lacking in the policy and clarifies the Council's interpretation of the identified need.

Hopkins Homes is, however, concerned that paragraphs 2.1.6 and 2.1.7 appear to suggest that the identified mix will be strictly enforced. Indeed the only allowances for a change from this mix are where it is justified by a localised assessment or where the proposal is for minor residential development. We consider that such a strict enforcement would conflict with Policy SP01 which simply states that the mix of housing "should be **informed by** the relevant District needs assessment" (emphasis added). A requirement to be informed by is very different from a strict requirement to meet an identified mix.

We also note that the data in the table presents a combined need derived from the separate needs identified in the SHMA for owner-occupied and private rent accommodation. We support this in principle, but given that different parts of the district will have different demand for private rental properties, this further indicates why there is a need for flexibility in how the identified mix is applied. As recognised at paragraph 2.1.15 there could also be other reasons for allowing flexibility relating to site context such as high public transport accessibility, local character and landscape considerations.

In the above context, we recommend the following changes to the SPD:

*2.1.6 The district-wide requirement **will be used to inform** ~~is the starting point for determining~~ the mix of open-market units on a given scheme. A more localised assessment **of need or site context**, such as that carried out in support of a made Neighbourhood Plan, may be used to justify a deviation from ~~mirroring~~ the mix recommended by the SHMA.*

### ***Local Housing Needs Surveys***

Hopkins Homes supports the broad definition of Local Housing Needs Survey provided in paragraphs 2.1.8-2.1.12. This section recognises the importance of using objective data sources to assess need and not just the results of housing surveys of local residents.

## **2.2 Strategic Policy 02 (SP02) – Affordable Housing**

Hopkins Homes is concerned that this section of the SPD fails to provide clarity regarding the requirement/need for discounted home ownership products / First Homes. Our concerns are two-fold:

1. **First Homes:** We understand that under the transitional arrangements set out in the First Homes Written Ministerial Statement of 24 May 2021, the national policy requirement for 25% of affordable housing to be provided as First Homes doesn't apply in Babergh and Mid-Suffolk and will not apply until such a time as the requirement is introduced in a subsequent update of the Local Plan. For the avoidance of doubt, it would be helpful if the SPD explained this. We note that a short explanation is provided at paragraph 3.2, but we consider that this should be expanded upon and included in section 2.2.
2. **Discounted Home Ownership Products:** Policy SP02 and its supporting text currently present a confused picture with respect to the need/requirement for discounted home ownership products. The policy states that the tenure mix should be informed by the relevant district needs assessment and the supporting text includes summary tables from the SHMA which identify a need for 24.9% of affordable homes to be discounted home ownership dwellings in Babergh and 18.6% in Mid Suffolk. Despite this,

paragraph 07.09 of the supporting text states that *"The Councils acknowledge the role that discount home ownership including First Homes and starter homes can play in meeting housing needs, however the Councils' will seek shared ownership and social / affordable rent provision in the first instance."* The SPD at paragraph 2.2.9 similarly states that *"the preferred tenures to be secured via planning obligations are affordable rent and shared ownership"*. This lack of clarity does not help housebuilders in designing their proposals and could easily be rectified by the SPD setting out a preferred tenure split for affordable housing. For example, 50% affordable rent and 50% shared ownership.

## **6. Commuted Sums**

There would appear to be an error at paragraphs 6.1.5-6.1.7. The rates quoted in the table at 6.1.5 are different from those included in the worked examples at paragraphs 6.1.6 and 6.1.7.

## **Biodiversity and Trees Supplementary Planning Document**

### **3.6 Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)**

In general this section provides a useful summary of the requirement to pay a RAMS contribution and complete the S111 form. It is, however, unclear on the responsibility for preparing the required Appropriate Assessment (AA) referred to at paragraph 3.6.7. Is the applicant required to prepare a shadow AA to be adopted by the Council, or does the applicant simply fill out the form and make the payment?

## **4. Biodiversity Mitigation Hierarchy and Biodiversity Net Gain**

### ***What is required to meet the Councils' BNG requirements?***

Paragraph 4.9 states that Ecological Reports submitted in support of applications will include a GIS layer showing the location and area covered by each habitat type. The only justification provided for this requirement is that it would *"enable verification"*. It is not standard practice to submit GIS files in support of ecological assessments, nor is this a requirement of relevant legislation and national policy on BNG. We consider that the provision of scaled PDF plans showing the location and area covered by each habitat type and based on topographical surveys (as would normally be expected in support of an application) are more than sufficient to enable verification. There is therefore no reasoned justification to require GIS files contrary to Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

### ***Delivering BNG Off-site***

This section would benefit from reference to the Biodiversity Gain Hierarchy set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

*"37A. In this Part, "biodiversity gain hierarchy" means the following actions in the following order of priority— [...]*  
*(b) in relation to any onsite habitat which is adversely affected by the development, compensating for that adverse effect by—*  
*(i) habitat enhancement of onsite habitat;*  
*(ii) insofar as there cannot be that enhancement, creation of onsite habitat;*  
*(iii) insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development;*  
*(iv) insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits."*

*"37D. [...] (2) In determining whether to approve a biodiversity gain plan, the planning authority must take into account—*

*(a) how the biodiversity gain hierarchy is to be applied, and  
(b) subject to paragraph (3), where the order of priority specified in that hierarchy is not to be applied—*

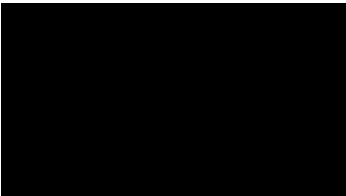
*(i) the reason for that, or  
(ii) the absence of a reason."*

The above wording clearly sets out the process to be followed in way that we consider is currently lacking in the SPD.

## **Conclusion**

We trust that these representations will be given due consideration in preparing the final versions of the SPDs. Should you have any questions on our client's representations, but do not hesitate to contact me.

Yours sincerely



Geoff Armstrong [REDACTED]

**Director**

**Armstrong Rigg Planning**

Direct Line: [REDACTED]

Mobile No: [REDACTED]