

# Responses to Additional Modifications

Responses to minor clarifications, consequential amendments associated with the Main Modifications and corrections of factual errors in the supporting text of the plan

Waveney Local Plan Examination

January 2019

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## AM8 – Paragraph 2.17

### Associated British Ports (Adams Hendry)

ABP welcomes the further recognition through this additional modification that the available evidence clearly shows that there is huge potential for growth in Waveney associated with the development of offshore wind farms.

## AM10 – Paragraph 2.19 (WLP2.2 PowerPark)

### Associated British Ports (Adams Hendry)

In respect of this paragraph of text and proposed modification ABP reiterates the point it made throughout its evidence to the examination – evidence which was not challenged – that the Outer Harbour Port Area of the PowerPark site has very limited opportunities available to accommodate any further growth associated with the ongoing development of offshore windfarms. This means that if this growth is to be accommodated at Lowestoft, the Inner Harbour will need to play an integral role in meeting the predicted demand.

## AM11 – After Paragraph 2.19 (WLP2.2 PowerPark)

### Associated British Ports (Adams Hendry)

ABP welcomes this modification which clarifies that the PowerPark allocation includes land both within and outside the statutory Port of Lowestoft.

## AM13 - Paragraph 2.32 (WLP2.4 Kirkley Waterfront and Sustainable Urban Neighbourhood)

### Associated British Ports (Adams Hendry)

ABP welcomes the addition of text in this paragraph of the plan which makes it clear that the possible pedestrian / cycle bridge at Brooke Peninsula will be an opening bridge to minimise any impact on navigation (see also response to main modification MM12).

## AM26 - Paragraph 3.21 (WLP3.1 Beccles and Worlingham Neighbourhood)

### Larkfleet Homes (DLP Planning Limited)

Additional Modifications AM26 amends the supporting text to WLP3.1 to be consistent with MM33. Therefore, our comments above (*on MM33*) are relevant to AM26.

## AM28 - Paragraph 3.28 (WLP3.2 Land West of London Road, Beccles)

## AM29 - After Paragraph 3.28 (WLP3.2 Land West of London Road, Beccles)

## AM34 - Paragraph 4.45 (WLP4.6 Broadway Farm, West of Norwich Road, Halesworth)

### Hopkins Homes (Armstrong Rigg Planning)

I am writing to make representations to the current Waveney Local Plan modifications consultation on behalf of our client, Hopkins Homes, with respect to **Policy WLP3.2 – Land West of London Road, Beccles**. Hopkins Homes has a controlling interest in the majority of this proposed site allocation and submitted a planning application (Ref: DC/18/4312/FUL) on its land in October 2018 for 228 dwellings.

This letter follows previous representations made on Hopkins Homes' behalf to the Final Draft Plan (Reg. 19) consultation in May 2018 and to the Inspector's Matters and Questions ahead of and during the Examination in Public (EIP) between September and November 2018. In particular, it builds upon representations made to the last-minute proposal by Waveney District Council (WDC) to significantly change **Policy WLP3.2** to require land for a new pre-school to be reserved on the site, if needed at the time of a planning application. Detailed representations were made objecting to this proposed modification during the EIP and it is disappointing that we have had no response from the Inspector to explain his position. This was promised at the Matter 7 hearing session that was kept deliberately brief to allow time for our client to produce their additional representations. Indeed, such is the brevity of the Inspector's Post-Hearing Letter dated 21st November 2018 (Ref: H35), in which this significant modification is not even mentioned (save for the fact it is included in WDC's Note on Infrastructure that is mentioned – Ref: H16), that we are left guessing as to whether the Inspector considers the modification necessary to make the plan sound. If the Inspector does consider the modification to be necessary, we request that he re-open the examination to allow this matter to be appropriately discussed.

This letter provides a summary of the proposed modifications as they relate to **Policy WLP3.2**, followed by a background to the site allocation and Hopkins Homes' current planning application on the site. It examines WDC's lack of evidence concerning pre-school need in Beccles and details our key objections to the proposed modifications which clearly demonstrate that they are unsound and should be deleted. Enclosed with this letter is an updated version of the Early Years Assessment Report prepared by education specialists EPDS Consultants that was submitted with our earlier representations.

#### Executive Summary

Main Modification **MM34** proposes to amend **Policy WLP3.2** to require 0.09ha of land to be reserved for a new pre-school setting, if needed at the time of a planning application, and for this setting to be secured and funded through a S106 obligation. Additional Modification **AM29** then



amends the policy's supporting text to clarify this requirement. It states that: the level of new development within the town is **likely** to generate a need for 3 new settings; that **Policy WLP3.1** will provide two of these settings (as confirmed by the developer of this site during the EIP); that the preference is for the third setting to be provided at Beccles Primary Academy or elsewhere in the town, but if it can't be provided elsewhere for it to be provided at **Policy WLP3.2**; and that the loss of 0.09ha of land should not impact upon the amount of development achievable on the site (a point that clearly ignores the fact that this is equivalent in size to 3 detached housing plots). Additional Modification **AM84** then proposes to modify **Appendix 1 - Table A1.2** to require a third pre-school setting to serve **Policy WLP3.2** that would be funded through a S106 obligation, contrary to WDC's adopted Community Infrastructure Levy (CIL).

Our client has no in principle objection to contributing towards pre-school provision in Beccles but is shocked that such a large contribution is sought when the evidence base presented by WDC and Suffolk County Council (SCC) is so insufficient and strewn with errors. The National Planning Policy Framework (NPPF2, July 2018) states at **paragraph 35** that for plans to be considered sound, they must be justified which it defines as comprising "*an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*". The evidence presented by WDC and SCC fails to demonstrate that there is either: a current deficit in pre-school places in Beccles; that **Policy WLP3.2** would generate sufficient demand to require a new pre-school; or that other alternative options for providing new pre-school places have been investigated:

**Current Deficit:** Despite claiming that there is a deficit in pre-school provision in Beccles and despite numerous requests for information, neither WDC nor SCC have presented data on the availability of pre-school places in the town (i.e. how many places are currently free at existing establishments). This is contrary to the Statutory Guidance for Early Education and Childcare (September 2014) that requires local authorities to take into account the state of the local childcare market in securing sufficient childcare

**New Demand:** There are clear mistakes in SCC's calculation of the yield rate for full-time equivalent (FTE) pre-school places per EPDS's report at **Enclosure 1** demonstrates that using SCC's methodology to calculate the yield rate gives a figure 0.0855 FTE places per dwelling and not the 0.12 claimed by SCC. Furthermore, using EPDS's more appropriate methodology, which calculates the yield rate based upon the current number of children per dwelling in Beccles and not the number of children per dwelling in new developments across Suffolk (which is likely to vary considerably based on the demographics of each location), gives a yield rate of 0.04 FTE places per dwelling. These more accurate yield rates drastically reduce the requirement for new pre-school places in Beccles from 180.6 to between 61.2 and 130.8 and the requirement generated by **Policy WLP3.2** from 33.6 to between 11.2 and 23.9. It is therefore clear that **Policy WLP3.2** does not warrant the creation of a new 60 place pre-school and that the forecast demand in Beccles as a whole will be easily met by the two new settings to be provided at **Policy WLP3.1**.

**Alternative Options:** SCC has failed to present any information on the capacity of existing providers to provide new places (either through physical expansion, longer opening hours, or by employing more staff) and has also failed to consider the likelihood that new private sector nurseries would open to meet any increased demand (despite the example provided by the new Big Sky Nursery in Beccles that opened in 2016). This raises a significant concern regarding SCC's approach to pre-school provision as they have completely ignored the fact that pre-schools are a quasi-public service that is often provided by the private sector (in the same way as other services such as dentists and funeral directors). Seeking financial contributions towards the provision of pre-school places is therefore only justified when there is clear evidence that the private sector cannot expand to meet needs or requires support to be able to

In addition to the above outlined lack of evidence, which clearly renders the proposed amendments to **Policy WLP3.2** unsound, we have significant concerns regarding the requirement for **Policy WLP3.2** to fund a new pre-school via S106 obligation. We consider that this requirement would not be consistent with national policy for the following reasons and must therefore be considered unsound against **paragraph 35** of NPPF2. **Policy WLP3.2** would not create sufficient increased demand to justify a new pre-school and the proposed S106 obligation would therefore fail the tests set by NPPF2 **paragraph 56** as it would not be necessary or directly, fairly and reasonably related to the development. Furthermore, SCC's preferred approach of expanding the existing setting at Beccles Primary Academy would be covered by the Council's CIL 123 List and no S106 obligation could therefore be sought for this option as it would be contrary to Regulation 123(2) of The Community Infrastructure Levy Regulations 2010.

The modified policy wording is also unclear and ambiguous, contrary to NPPF2 **paragraph 16**, as it makes no attempt to guide the decision maker as to when they should consider demand to be sufficient to justify a new pre-school and in the absence of any detailed evidence of current need, it is unclear to the decision-taker how this need should be assessed.

In conclusion, proposed modifications **MM34**, **AM29** and **AM84** are not justified by proportionate evidence, there has been no consideration of reasonable alternatives to increasing pre-school provision and the proposed S106 obligation is contrary to national policy. The proposed modifications therefore fail the tests set by NPPF2 **paragraph 35** and should be deleted.

### Proposed Modifications

The proposed modifications to **Policy WLP3.2** concerning pre-school land are set out in the Schedule of Proposed Main Modifications (Ref: **MM34**) and the Schedule of Proposed Additional Modifications (Ref: **AM29**).

**Main Modification MM34** proposes to add the following additional paragraph to the text of **Policy WLP3.2**:

*"If needed at the time of the planning application, 0.09 hectares of land on the site should be reserved for a new pre-school setting. The pre-school setting will be secured by and funded through a Section 106 planning obligation."*

**Additional Modification AM29** proposes the following additional paragraph be added to the supporting text for **Policy WLP3.2**:

*"The level of new development within Beccles and Worlingham is likely to generate a need for 3 new pre-school settings. The Beccles and Worlingham Garden Neighbourhood site (Policy WLP31.) will provide 2 of these settings. The preference for the third is at Beccles Primary Academy or alternatively in a location close to other services and facilities. However, if there is no suitable, available site at the time of a planning application, and there is still a need for a setting, it may be necessary for a new setting to be included on this site. A new setting will require 0.09 hectares of land and therefore should not impact upon the amount of development achievable on the site."*

In addition to the wording contained in WDC's Note on Infrastructure (Ref: H16), **Additional Modification AM84** proposes the following changes to Appendix 1 - Table A1.2 – Education – Early Education:

Project	Priority	Lead Provider	Approximate Cost	Funding Sources	Potential Funding Amount	Required Developer Contribution	Type of Developer Contribution	Potential Remaining Funding Gap	Potential Funding Sources to Fill Gap	Timescale/Progress
1 new pre-school setting in Beccles and Worlingham area to <u>serve development on land West of London Road, Beccles (Policy WLP3.2)</u>	Essential	Suffolk County Council	£500,000	None	£0	£500,000	<del>CH</del> Section 106	£0	None	Short-medium term

## Background

Hopkins Homes has a controlling interest in the majority of proposed site allocation **Policy WLP3.2** and submitted a planning application (Ref: DC/18/4312/FUL) on its land in October 2018 that is pending determination for:

*“Hybrid planning application: (i) Full planning application - Residential development of 217 dwellings (including 30% affordable dwellings) together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure (ii) Outline planning application - 11 No. serviced self build plots with associated access and infrastructure”*

This application was prepared in tandem with the development of the Waveney Local Plan and we met with policy and development management officers at WDC during its preparation to agree that the timing of the application was acceptable and the key policy requirements for the development of the site. At no point during these discussions was there any mention of there being a policy requirement to provide land for a pre-school on the site.

To support the proposed allocation of our client’s land by **Policy WLP3.2**, we prepared detailed representations to the Final Draft Plan (Reg. 19) consultation in May 2018 and a hearing statement for Matter 7 of the Local Plan’s Examination in Public (EIP) in September 2018. These representations were supportive of the proposed allocation, subject to a few minor suggested changes including: the insertion of the word “approximately” before the reference to dwelling numbers to ensure flexibility in the delivery of the site; and the removal of the requirement for a whole site contaminated land investigation due to the split landownership of the site. We are pleased to note that Main Modification **MM34** and Additional Modification **AM28** propose to make these changes and we have no further comment in this regard.

Following the submission of our hearing statement for Matter 7, we had the opportunity to view the WDC’s Matter 7 hearing statement (September 2018) and the Statement of Common Ground between WDC and SCC on Matters Relating to Early Years (September 2018). These documents were only published following the deadline for third party hearing statements and yet proposed to make a significant change to **Policy WLP3.2** to require land on the site to be reserved for a new pre-school setting, if needed at the time of a planning application. In response to this suggested change, we wrote to the Inspector on 10th October 2018 to highlight the fact that SCC hadn’t provided any

evidence to demonstrate that such a requirement is necessary and that the timing of the change provided little opportunity for any meaningful investigation into the justification for this requirement ahead of the Matter 7 hearing scheduled for 17th October 2018.

At the hearing session for Matter 7 on 17th October 2018, the Inspector refused to accept the proposed modification until our client had the time to provide a comprehensive response to it. During the hearing session, SCC's Planning Strategy Manager, James Cutting, agreed to provide our client's education consultants, EPDS, with all the information they required to undertake their own assessment as soon as possible and an initial deadline was given for Hopkins Homes to respond by 2nd November 2018. On 31st October 2018, however, we received an email from the programme officer, Annette Feeney, containing WDC's Note on Infrastructure (Ref: H16) that includes the proposed modification to **Policy WLP3.2**, with an extended deadline till the 14th November 2018. We initially accepted this extension, but on consideration decided to submit EPDS' Early Years Assessment Report (2nd November 2018) on 5th November 2018 as SCC had consistently sought to avoid rather than answer the queries raised with them (as outlined in EPDS's report at **Enclosure 1**) and we did not consider that the additional two weeks would enable us to get any further with regards to EPDS' assessment.

As set out above, in the context of these detailed previous representations, it is disappointing that we have had no direct response from the Inspector to explain his position regarding the proposed change to **Policy WLP3.2** and due to the brevity of the Inspector's Post-Hearing Letter dated 21st November (Ref: H35), we are left guessing as to whether the Inspector actually considers the modification necessary to make the plan sound.

### Evidence Base

NPPF2 **paragraph 35** states that for plans to be considered sound, they must be justified which it defines as comprising "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. In addition, **paragraph 31** requires that "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". The adequacy of the evidence base for pre-school provision in Beccles is assessed below and found to be sorely lacking.

#### Infrastructure Study (March 2018, Ref: C11):

The only evidence base document containing any information on pre-school needs is the Infrastructure Study (March 2018, Ref: C11). This document contains a very brief assessment of local requirements which simply provides a table that shows: the number of dwellings proposed to be allocated in each area; the number of pre-school children potentially arising from the allocations; the current surplus/deficit in provision (no data is presented to further demonstrate how this has been assessed or the individual pre-school settings that have been included); and a figure for additional places required from the new dwellings (it appears that a multiplier of 0.10 FTE pre-school places per new dwelling has been used in the calculation, but at no point does the document provide an explanation or justification for this). An extract of this table for Beccles is provided below:

Ward	Number of dwellings allocated in Local Plan	Pre-school children potentially arising from new development	Current surplus/deficit	Additional Places required

Beccles South, Beccles North, Wainford and Worlingham	1596	240	-260	152
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**N.B. It should be noted that this table groups together the urban area of Beccles and Worlingham with Wainford Ward which covers a large rural area to the west, south and east of Beccles – parts of which are much closer to Bungay than to**

The Infrastructure Study then outlines where new pre-school settings will be required. For Beccles South, Beccles North, Wainford and Worlingham, it concludes that 1 new setting at Beccles and Worlingham Garden Neighbourhood (WLP3.1) primary school and 1 at a community hub will be required, with options for a third setting to be considered.

The Infrastructure Study also states at paragraph 8.4 that a:

*“notable uncertainty at the current time is the impact of the move to free 30-hour provision [from September 2017]. It is not clear how many additional places will be required as not all parents will take up the additional hours and some children will already be receiving 30-hours childcare. The County Council is keeping this under close review.”*

SCC Regulation 19 Consultation Response (May 2018):

It must be assumed from the above that the Infrastructure Study was produced with input from SCC, but despite this just 2 months after its publication, SCC objected to **Policy WLP3.2** in their representations to the Final Draft Plan (Reg. 19) consultation in May 2018 stating:

*“As set out in Appendix 1, the scale of growth in Beccles is such that three early education settings **may be required** to mitigate the impacts of growth. As identified in the Infrastructure and Delivery Plan, Site WLP3.1 will provide two settings. The County Council’s intention is to seek provision of a third setting at the existing Beccles Primary School, but this is dependent on the agreement of the academy provider at that school. Should this agreement not be forthcoming, provision will need to be made on this site. As such, the County Council requests that this policy be amended to include reservation of land for a new early education setting:*

*The site should make provision for a new early education setting*

*Supporting text, potentially as a new paragraph 3.26, should explain the need:*

*This site is large enough to justify the provision of a new early years setting. If provision cannot be made at a primary school, provision will need to be made on this site.*

Appendix 1 to SCC’s Regulation 19 consultation response contains a similarly brief assessment to that contained in WDC’s Infrastructure Study. It provides a table that shows: the number of dwellings proposed to be allocated in Beccles North, Beccles South and part of Worlingham (no explanation is given as to why Wainford is no longer included or why only part of Worlingham is included); the current surplus/deficit in provision (no data is presented to demonstrate how this has been assessed or the individual pre-school settings that have been included); and the approximate demand for places arising from the allocated dwellings (it appears that a multiplier of 0.12 FTE pre-school places per new dwelling has been used in the calculation, which has increased from the 0.10 multiplier used in WDC’s Infrastructure Study and again no explanation or justification is provided for this). An extract of this table is provided below:

Area/Wards	Sites	Dwellings	Baseline – existing capacity, summer 2018	Approximate demand for places arising from allocations
<b>Beccles and Worlingham</b>				
Beccles North, Beccles South, Worlingham (part)	WLP3.1 – Beccles and Worlingham Garden Neighbourhood	1,250	Beccles North: -31	185
	WLP3.2 – Land West of London Road, Beccles	280	Beccles South: -75 Worlingham: -42	

### Statement of Common Ground (SoCG) between WDC and SCC on Matters Relating to Early Years (September 2018)

In this document, WDC and SCC set out their agreement to amend the policy to require 0.09 hectares of land on the site to be reserved for a new pre-school setting, if needed at the time of the planning application. It does not, however, provide any evidence whatsoever of the need for pre-school places in Beccles other than the vague statement that:

*“The level of new development within Beccles and Worlingham is **likely** to generate a need for 3 new pre-school settings”.*

WDC are therefore proposing to amend the policy without presenting any additional evidence to that contained in the Infrastructure Study (March 2018) that there is actually a need for 3 settings in Beccles. Indeed, the Infrastructure Study concluded that there was a requirement for 2 new settings in Beccles and only sets out a potential option for a third setting to be considered in light of the uncertainty at the time regarding the impact of the move to free 30-hour provision (from September 2017). The SoCG was published 1 whole year after the introduction of free 30 hour provision and WDC/SCC should therefore now be in a position to fully assess the impact of this change in government policy and to present adequate and proportionate evidence in order to demonstrate the true need for new pre-school places in Beccles. No attempt whatsoever is made in the SoCG to assess the impact of the new free 30 hour provision.

The SoCG also proposes a change to the table at Appendix 1 to the Local Plan to specifically refer to one of the pre-school settings as serving the need generated by **Policy WLP3.2** and for this pre-school setting to be funded by Section 106 as opposed to CIL. As set out below, the need for new pre-school places arising from the site is far too small to justify a new pre-school setting and the preferred approach to meeting additional pre-school demand from **Policy WLP3.2** is to expand Beccles Primary Academy which would be covered by WDC’s CIL 123 List. There therefore no justification for a S106 obligation to be sought.

### Matter 6/7/8 and 11 – Note on Infrastructure Requirements (October 2018, Ref: H16)

This document was published for informal consultation during the EIP. It details proposed changes to several policies with respect to infrastructure requirements. For **Policy WLP3.2** it includes the proposed change to the policy wording that is set out in the schedule main modifications, but importantly it does not contain the Council’s proposed additional modifications. It contains no evidence of the need for pre-school provision in Beccles.

Suffolk County Council Statement on Document H16: Waveney District Council Note on Infrastructure Requirements (November 2018, Ref: H32)

This document contains SCC' response to document H16. It sets out that:

*“The County Council’s preference is that new early education settings are funded via Section 106 agreements. Given the cost of providing new settings and the need to secure land, this reduces risk to the County Council as a service provider, arising from the significant level and variety of demand likely to be drawn from the District’s CIL income.*

*Where increased demand can be managed via expansion of existing settings, CIL is an acceptable mechanism for securing funding because risks are lower; child numbers are lower, establishments are already in existence and build costs tend to be lower (provided no abnormal costs such as new accesses or additional car parking). CIL can also be more responsive to changes in programming such infrastructure through monitoring.”*

It then sets out that:

*“The County Council’s preferred approach is consistent with the current (adopted)*

*Waveney Regulation 123 list and is not unusual in terms of complexity.”*

This is clearly not the case for **Policy WLP3.2**, however, as the Council’s adopted Regulation 123 List includes the *“Provision of additional pre-school places at existing establishments”* which it specifically states funding will not be sought for through S106 planning obligations. **AM29** is clear that the preferred approach is to expand the existing establishment at Beccles Primary Academy and only as a last resort for a new setting to be created at **Policy WLP3.2**. It should therefore be clear that the proposed change to require a S106 contribution towards pre-school provision from the site is not consistent with WDC’s adopted CIL 123 List.

## **Objections**

### Insufficient Evidence:

It should be clear from the above that WDC has entirely failed the test at NPPF2 **paragraph 35** to set an appropriate strategy, taking into account reasonable alternative and based on proportionate evidence. Contrary to this test and the requirement of **paragraph 31** for all policies to be underpinned by relevant, up-to-date and adequate evidence, the Council has presented so little evidence as to make a mockery of the policy making process.

As set out in EPDS’s report at **Enclosure 1**, neither SCC or WDC have produced any analysis to show that **Policy WLP3.2** would necessitate the provision of an additional new pre-school setting. Indeed, the most in-depth evidence provided is that contained in the Appendices to EPDS’ report, which they directly requested from SCC due to the failure to provide sufficient information in the emerging Local Plan’s evidence base. This evidence is, however, clearly lacking in the following ways:

**Current Deficit:** No information is presented on the current availability of pre-school places in Beccles. Indeed, it would appear from the responses received to EPDS’ requests that SCC do not actually know how many of the available pre-school places in Beccles are currently filled. The only information that has been presented by SCC on current capacity is an assessment of the number of registered places available in the town and a figure for what the demand would be if every single child accessed 100% of their statutory entitlement where they live. This approach is clearly contrary to the Department for Education’s Statutory Guidance for Early Education and Childcare (September

2014) that states that to secure sufficient childcare places, local authorities should take into account the state of the local childcare market, including demand for specific types of providers. It is entirely possible, and indeed likely, that not every child will access 100% of their statutory entitlement or that they will go to nursery where they live due to particular family circumstances or the commuting patterns of their parents. Without an assessment of local demand, it is therefore simply not possible for SCC to make such sweeping statements that there is a current shortfall in supply (this is especially true with respect to recent changes in statutory entitlement and the unknown impact this has had on demand locally). Assessing current capacity based on the number of children on school rolls is the approach normally taken by local authorities in assessing the need for education. SCC has presented no justification for deviating from this standard approach.

**New Demand:** There are clear mistakes in SCC's calculation of the yield rate for full-time equivalent (FTE) pre-school places per dwelling. EPDS's report at **Enclosure 1** demonstrates that using SCC's methodology to calculate the yield rate gives a figure 0.0855 FTE places per dwelling and not the 0.12 claimed by SCC. Furthermore, using EPDS's more appropriate methodology, which calculates the yield rate based upon the current number of children per dwelling in Beccles (giving an accurate picture of local demographics) and not SCC's approach which is to base yield rates on the number of children per dwelling in new developments across Suffolk (which is likely to vary considerably based on the demographics of each location), gives a yield rate of 0.04 FTE places per dwelling. The table below compares the number of FTE places needed in Beccles to serve the proposed site allocations using the different yield rates.

	Yield Rate (FTE Place Per Dwelling)	WLP3.2 (280 dwellings)	WLP3.1 (1,250 dwellings)	Total
SCC Proposed	0.12	33.6	150	180.6
SCC Recalculated	0.0855	23.9	106.9	130.8
EPDS Calculation	0.04	11.2	50	61.2

The above clearly demonstrates that even using the SCC's own methodology (recalculated to remove SCC's mistake), there is clearly no need for 3no. new 60 place pre-schools in the town as the forecast demand in Beccles as a whole will be easily met by the two new settings to be provided at **Policy WLP3.1**. It is also clear that **Policy WLP3.2** does not warrant the creation of a new 60 place pre-school as it would only generate approximately 1/3 of the required number of places.

**Alternative Options:** EPDS's report highlights the fact that it is one of the duties of the Local Education Authority to encourage existing providers to expand their provision and yet SCC has failed to present any information on the capacity of existing providers to provide new places (either through physical expansion, longer opening hours, or by employing more staff). SCC has also failed to consider the likelihood that new private sector nurseries would open to meet any increased demand, despite the example provided by the new 63 place Big Sky Nursery on Station Road that only opened in 2016 and recently earned a good rating during its first Ofsted inspection (<https://enjoybecclesmore.co.uk/news/big-sky-nursery-beccles-good-ofsted-1-5743745>). This raises a significant concern regarding SCC's approach to pre-school provision as they have completely ignored the fact that pre-schools are a quasi-public service that is often provided by the private sector (in the same way as other services such as dentists and funeral directors). Seeking financial contributions towards the provision of pre-school places is therefore only justified when there is clear evidence that the private sector cannot expand to meet needs or requires support to be able to expand. In the case of Waveney, SCC has provided no such information and it is also unclear whether SCC intends to run the new pre-schools itself or to support new private sector nurseries which raises further concerns regarding the justification for financial contributions.



S106 Obligation:

The proposed amended wording to **Policy WLP3.2** and the amended **Table A1.2 at Appendix 1** of the Local Plan, propose that the new pre-school that is claimed to be needed to serve the site would be secured and funded through S106 obligation whether provided on site or not. For the below reasons we consider that the proposed obligation would not be consistent with national policy and must therefore be considered unsound against **paragraph 35** of NPPF2.

As set out above, the preferred approach to meeting additional pre-school demand from **Policy WLP3.2** is to expand the existing setting at Beccles Primary Academy. This would be covered by the Council's CIL 123 List (**Enclosure 2**) which includes the "*Provision of additional pre-school places at existing establishments*" which it specifically states funding will not be sought for through S106 planning obligations. The proposal to fund the expansion of an existing establishment via S106 is therefore clearly contrary to the WDC's adopted CIL 123 List and would therefore be contrary to Regulation 123(2) of The Community Infrastructure Levy Regulations 2010.

SCC's justification for requesting a S106 obligation as opposed to a CIL contribution to cover pre-school expansion is that they consider where increased demand can be managed via expansion of existing settings, CIL is an acceptable mechanism for securing funding, but where a new pre-school is required it should be funded via S106 agreements. As set out above, SCC has presented insufficient evidence to demonstrate that **Policy WLP3.2** would create sufficient increased demand to justify a new pre-school. In the absence of this evidence, it is clear that the proposed S106 obligation would not meet the relevant tests set by NPPF2 **paragraph 56** as it would not be necessary to make the development acceptable in planning terms nor would it be directly, fairly and reasonably related in scale and kind to the development. As with **Policies 2.14, 2.15 and 4.5**, if the Inspector considers that a third pre-school is needed in Beccles, which is in considerable doubt, it should clearly be funded through CIL.

Unclear Policy Wording:

NPPF2 **Paragraph 16** requires planning policies to be clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals. The modified **Policy WLP3.2** clearly fails this test as it is not clear to a decision maker how to proceed. The revised wording states that the land for a new pre-school setting should only be reserved if a pre-school if needed at the time of the planning application, but makes no attempt to guide the decision maker as to when they should consider demand to be sufficient to justify a new pre-school. Furthermore, where a site is being brought forward across different land ownerships it is unclear how such a facility would be delivered. There is nothing in the policy to guarantee the timely delivery of a facility for the benefit of the development given that there is no power to automatically transfer part of a site to the County Council which may not be the provider of the facility in any event. The policy text also invites Decision makers to decide proposals contrary to the legal tests and requirements of Regulations 122 and 123 of the Community Infrastructure Regulations. As set out above, it is far from clear what the current position is on the ground in Beccles, nor that there is any proper monitoring process in place to judge when demand for new pre-school places is likely to outstrip supply. In the absence of this information, it is unclear how the decision maker should make this judgement.

**Conclusion**

In conclusion, **paragraph 35** of NPPF2 states that for plans to be considered sound, they must be justified which it defines as comprising "*an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*" and they must be "*Consistent with national policy*". The evidence presented by WDC and SCC fails to demonstrate that there is either: a current

deficit in pre-school places in Beccles; that **Policy WLP3.2** would generate sufficient demand to require a new pre-school; or that other alternative options for providing new pre-school places have been investigated. Proposed modifications **MM34**, **AM29** and **AM84** are not therefore justified by proportionate evidence and there has been no consideration of reasonable alternatives for increasing pre-school provision. Furthermore, the proposed S106 obligation is contrary to national policy at NPPF2 **paragraph 56** as it would not be necessary or directly, fairly and reasonably related to the development and expanding the existing setting at Beccles Primary Academy is covered by the Council's CIL 123 List, rendering a S106 obligation contrary to Regulation 123(2) of The Community Infrastructure Levy Regulations 2010. The proposed modifications therefore fail the tests set by NPPF2 **paragraph 35**, they are unsound and should be deleted.

We trust that these comments will be given the due consideration and look forward to participating further as the Local Plan preparation progresses. Should you have any further queries or questions then please do not hesitate to contact me.

## AM43 - Paragraph 6.19 (WLP6.2 Southwold Harbour)

### Environment Agency

#### **Policy WLP 6.2 – Southwold Harbour**

We are pleased to see that paragraph 6.19 has now been updated to include the most recent advice relating to flood risk activity permitting.

## AM57 - Paragraph 8.12 (WLP8.2 Affordable Housing)

### Larkfleet Homes (DLP Planning Limited)

MM54 proposes the following

***“Policy WLP8.1 – Housing Mix***

*The mix of sizes and types of units on any particular site should be based on evidence of local needs including the Strategic Housing Market Assessment and in consultation with the local planning authority.*

*Proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2 bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible.*

*Neighbourhood Plans can set out a more detailed approach to housing type and mix which reflects local circumstances and is supported by evidence.”*

Our client supports the proposed modifications to this policy; however, we suggest that the modification is further amended to read as follows:

***“Policy WLP8.1 – Housing Mix***

*The mix of sizes and types of units on any particular site should be based on evidence of local needs including the Strategic Housing Market Assessment and in consultation with the local planning authority.*

*Proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2 bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible or unviable.*

*Neighbourhood Plans can set out a more detailed approach to housing type and mix which reflects local circumstances and is supported by evidence.”*

Our comments also stand for Additional Modification 56.

We also consider AM57 and AM58 should be changed in line with our comments above.

## AM58 - Paragraph 8.14 (WLP8.2 Affordable Housing)

### Larkfleet Homes (DLP Planning Limited)

MM54 proposes the following

***“Policy WLP8.1 – Housing Mix***

*The mix of sizes and types of units on any particular site should be based on evidence of local needs including the Strategic Housing Market Assessment and in consultation with the local planning authority.*

*Proposals for new residential developments will only be permitted where at least 35% of new dwellings on the site are 1 or 2 bedroom properties, unless this can be satisfactorily demonstrated to be unfeasible.*

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Our comments also stand for Additional Modification 56.

We also consider AM57 and AM58 should be changed in line with our comments above.

## AM61 - After Paragraph 8.81 (WLP8.15 New Self Catering Tourist Accommodation)

### Bourne Leisure (Lichfields)

Previously, Bourne Leisure requested that the policy component relating to covered cycle storage criteria for large sites should be applied more flexibly and on a case-by-case basis depending on the nature of the proposed development.

Although our proposed wording has not been fully incorporated, Bourne Leisure accepts the Council's revised text in Para 8.82, which now requires tourism accommodation to provide 1 stand per 5 units/pitches of accommodation in accordance with the Caravan Park requirements in Suffolk Guidance for Parking (2015), rather than applying residential standards as previously proposed.

## AM62 - After Paragraph 8.111 (WLP8.21 Sustainable Transport)

### Bourne Leisure (Lichfields)

Bourne Leisure endorses the inclusion of paragraph 8.111. It agrees that the Public Rights of Way Network has an important role in delivering sustainable development, through inter alia, supporting tourism. A number of Public Rights of Way exist in the local area surrounding Corton and Gunton Hall Coastal Villages. These provide a range of benefits that help to boost tourism and contribute to rural economies, as well as contributing to general health and well-being by promoting exercise and recreation. The delivery of these benefits is consistent with national policy.

## AM67 - Paragraph 8.173 (WLP8.30 Design of Open Spaces)

### Bourne Leisure (Lichfields)

Bourne Leisure supports para 8.177 which, due to the modification, more clearly sets out the types of open space covered by this policy and confirms these would usually be publicly assessable or with controlled public access. The policy modification is now more aligned with the definition of 'open space' included in the glossary of the NPPF, providing clarity on its interpretation and how it should be applied in determining planning applications.



## General Comment

### Historic England

Thank you for consulting Historic England on the main modifications, the additional modifications and the addendum to the Sustainability Appraisal report for the Waveney Local Plan.

We welcome the inclusion of the changes agreed through our Statement of Common Ground and our further correspondence on sustainable construction.