

**MINUTES OF KERSEY PARISH COUNCIL EXTRAORDINARY MEETING
HELD ON TUESDAY 12 APRIL 2016
IN KERSEY VILLAGE HALL AT 7.30 PM**

PRESENT

John Hume – Chair, Veronica Partridge, Giles Hollingworth, Yvonne Martin, Ian Fidell, 3 members of the public and the Clerk – Sarah Partridge

55/16 APOLOGIES were received and accepted from John Maltby and Iqbal Alam.

56/16 ACCEPT MEMBERS' DECLARATIONS OF INTEREST - None

57/16 CONSIDER ANY DISPENSATION REQUESTS FOR PECUNIARY INTERESTS RECEIVED FROM COUNCILLORS – None received

58/16 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 11 April 2016 were signed and dated as being correct.

59/16 TO DISCUSS THE TECHNICAL CONSULTATION ON PROPOSED NATIONAL PLANNING CHANGES

Councillors had all read this important technical planning consultation which proposes some significant changes to the current planning system. Councillors also had a copy of the detailed response SALC had made to this consultation, copy appended. After some discussion Councillors agreed that they fully supported all the points made in this response and wholly endorse the SALC response. It was agreed the Clerk would respond to the consultation including a copy of the SALC response.

60/16 TO DISCUSS THE NEW PARISH ACTION PLAN

Following the Parish Plan Review a new Parish Action Plan to cover the period from 2015 to 2020 has been put together based on the results of this review. Councillors all had a copy of the draft Parish Action Plan; all the action points were discussed. The priority for action points was considered and it was agreed these were all appropriate. It was suggested that creating a Neighbourhood Plan may be a way of making progress with some action points. This is something the Parish Council is investigating. During the discussion it was thought that many people in the parish may not be aware of all the facilities, societies, clubs and organisations in the parish. Although information about events is regularly published in the newsletter and there is a wealth of information on the Kersey website it was agreed that more publicity was needed. The Chair and Clerk will put together a welcome letter and other information which can be given to people who move to Kersey. It was also agreed to write an article for the newsletter to publicise the website. Progress with the two action points for access to information was noted. High speed broadband may be coming to properties in Kersey on the Hadleigh telephone exchange in September 2016. Properties in Kersey on the Boxford telephone exchange may already be able to access high speed broadband. Households need to contact their internet provider to check availability and change their level of service; it is not automatic. With regard to improving mobile phone reception households on the Vodafone network may be able to fit a Sure Signal box which links to their internet to provide connectivity. Councillors discussed the idea raised in the consultation about how the Parish Council engages with the public at meetings. Currently 'Parish Time' is at the end of every Parish Council meeting giving residents the opportunity to raise matters with the Parish Council at meetings. The idea of having 'Parish Time' at the start of the meeting was discussed. Currently the Chair always makes sure that members of the public present have the opportunity to raise points during the meeting, particularly opening the meeting to the public for comments before any planning application discussions. It was agreed that this system worked well and gave members of the parish the opportunity for engagement with the Council. It was agreed that 'Parish Time' will remain at the end

of Council meetings. A copy of the approved Action Plan is appended to these minutes and will be shared with the community via the Kersey website. The Clerk will update this Action Plan with the progress that has already been made with some action points since the review was completed. It will be circulated to Councillors and published on the Kersey website. The purpose of the Parish Plan, Review and Action Plan is to improve social, economic, environmental and cultural wellbeing in the Parish based on consultation with all residents. This Action Plan is a living document for the whole community. The Action Plan will be updated and amended as progress is made.

61/16 ANY OTHER BUSINESS - None

The meeting was adjourned for 'Parish Time'

It was commented that it would be a retrograde step to allow residents to intervene during Parish Council meetings. The Chair commented that he felt it was important to maintain a balance between allowing people to have their say and conduct Council business efficiently.

It was suggested that anyone attending Parish Council meetings who wished to speak should be encouraged to make the Chair aware of this before the meeting, stating which agenda item they wished to comment on.

The meeting was reconvened.

There being no further business the meeting closed at 8.59pm.

There are 16 sheets appended to these minutes.

SALC response to Technical Consultation on Implementation of Planning Changes (11 sheets)
Kersey Parish Action Plan 2015 to 2020 (5 sheets)

Planning Consultation Team
Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

6th April 2016

Dear Sir

Technical Consultation on Implementation of Planning Changes

This is the response from Suffolk Association of Local Councils (SALC) to Government's *Technical Consultation on Implementation of Planning Changes*. SALC is the membership organisation for town and parish councils (local councils) in Suffolk, providing advice, training and other services. The online Survey Monkey format for responses to the consultation is not fully accessible to communities challenged by problems with internet speed and is also an unhelpful format for councils and organisations seeking to communicate their responses transparently. It is disappointing that town and parish councils, SALC and its counterparts in other counties were not directly consulted on a matter which affects communities and local councils considerably. Given this lack of communication from your Department, SALC requests that the deadline for responses is extended to enable more responses to be made.

SALC recognises that Government is supporting neighbourhood planning which is a welcome means for communities to shape their own area. SALC also recognises the need for increased housing and welcomes, in particular, any measures which help increase truly affordable housing, to assist those on low pay and key workers who help sustain communities. This consultation does not focus on the type and quality of development but appears to propose increased flexibility for developers.

Overall, SALC is concerned that this consultation covers a number of significant matters which fundamentally change the planning system and yet includes scant detail enabling respondents to understand the true impact and future shape of the planning regime. With the work on the implementing measures taking place while the Housing and Planning Bill passes through Parliament, it is understood that Government wishes to proceed apace with change. However, given the long-term impact of planning decisions on the social, environmental and economic landscape of the country, it is essential that a reasonable and robust planning system exists with improvements made after comprehensive and detailed consultation.

There have been many changes over recent years without effective or appropriate safeguards. For example, this has left communities bearing the impact of the lack of a five year land supply, uncertainty about the effectiveness and accessibility of neighbourhood planning, insufficient local infrastructure, little access to the promised Community Infrastructure Levy money and no right to appeal flawed planning decisions. Against this background and given the radical nature of these proposals, SALC has concerns that there will be further adverse and unintended consequences from implementation.

Government will appreciate that town and parish councils (local councils) have long played a positive role within the planning system. Their role has become more important as resources have reduced within planning authorities, leading to a decline in capacity to visit and understand the sites and their context in the detail that is needed.

Local councils continue to play a significant role in planning, not least through:

- Providing valuable local expertise and information, helping to ensure development proceeds suitably designed for the location;
- Working with developers at pre-application stage to help shape the development and clear away obstacles;
- Ensuring local people can access planning information;
- Identifying sites that would be suitable for development;
- Working and negotiating with local landowners to free land that would be unobtainable by more remote organisations, and working with the community and key organisations to enable needed affordable housing;
- Providing a community voice based on material considerations and the overall interests of their area;
- Providing local eyes and ears when planning enforcement issues arise;
- Providing a safety net so that inappropriate development can be challenged on material considerations, helping avoid expensive social, economic and environmental mistakes;
- Planning for optimum housing and business development within the community through neighbourhood planning;

In statutory terms, local councils have a right to be notified of planning applications relating to their area and, as minimum, to be given information sufficient to identify the site. Additionally, they are entitled to be notified of any (non-trivial) alteration to the application. Most councils deal with the planning authority through access to the planning authority website and electronic communications and then, through their own endeavours, enable an efficient process of community engagement locally. This is an impressive contribution to making the planning system fair and accessible to local people.

It is important that Government recognises the value of maintaining and building on the nature of the local council role. To undermine the community voice and take away the positive contributions and safety net that this provides, would be a retrograde step.

SALC believes the proposals will have the effect of taking away consultation and engagement with the community. SALC would wish to emphasise its concerns about the plans to remove automatic consultation at the planned technical details stage. The assumption is made that the consultations, including those with local councils through the notification process outlined above, would be affected by this proposal. SALC does not accept that leaving a decision on whether to consult at this stage should be determined by the planning authority. This is not localism and would inevitably lead to some cash-strapped planning authorities (or commercial providers concerned about the bottom line) failing to engage and consult on some of the most important planning matters for communities. Government will recall that where there is a lack of compulsion on local authorities, many will choose to make decisions in their own interest rather than the interest of local councils; the recent example being the failure of some local billing authorities to pass on any or all of a grant distributed by Government for local councils to compensate for the changes to the council tax base.

While Government is injecting considerable sums of money into supporting developers through the planning system, the balance of care for communities, quality of decisions and consideration of the sustainability of development appear to be reducing further under these proposals. Given the radical changes proposed it is suggested that now is the time for Government to introduce a community right to appeal planning decisions, exercisable through local councils. Not least, where communities have been encouraged to take up neighbourhood planning at considerable cost and effort, resulting in evidenced policies adopted through a referendum, those communities should have the option to appeal planning decisions which fail to properly take account of those policies.

The further specific responses from SALC are itemised beneath the respective sets of questions below:

Consultation Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?
Consultation Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?
Consultation Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?
Consultation Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?
Consultation Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

SALC recognises that Government wishes to incentivise planning performance, especially with regard to the speed of processing applications and is considering fee increases, the introduction of competition and a fast-track process for planning authorities deemed to be performing well, as a means to achieve this.

Any consideration of changes to planning application fees should take account of the fact that Government plans to commercialise the planning application process are likely to result in an overall reduction in fee income for planning authorities which could undermine the viability of the planning service and the resultant overall availability of expertise to the community and developers. It also appears counter-productive for planning authorities, already having to cope with reduced resources (which could be one factor causing under-performance) have further financial pressures owing to fees not keeping pace with inflation. This is a difficult foundation from which to improve performance.

In relation to an incentivised system of fees, SALC recognises that Government believes this to be a way to improve performance. It is unclear how this will apply to any commercial operators. Depending on how this proposition is applied, it could pave the way for incentivising commercial operators to enter the market to gather enhanced fees and/or it could be used to create an inequality between the planning authority and commercial providers where the planning authority is judged not to be performing well. This proposal could also have the consequence of removing the capacity of the planning authority to make improvements.

SALC is concerned that the targets which are used to assess planning application processing performance will be based on speed, number of appeals and other matters which do not necessarily assess the quality, rigour or fairness of the process. Until clear targets are introduced which reflect a balanced assessment of the planning needs of the developer and community, SALC has reservations about the implementation of an incentivised fees structure. SALC is also unsure how a system based on centralised targets fits into the localism agenda.

As stated within the responses to questions 8.1 to 8.6 below, SALC does not believe it is appropriate to set private providers at an unfair advantage compared to planning authorities through differential fees structures. Additionally, SALC believes that the planning application system should be reasonably accessible to taxpayers generally, not just developers, and would not want to see fees escalating unduly.

It is not clear from the proposals how a 'fast-track' planning application process in return for a higher fee could work without compromising further a system which Government recognises is not working effectively across the country. Already there are instances where planning authorities and developers are not engaging effectively with local councils and communities at the pre-application stage. SALC believes Government should correct this situation before introducing commercially driven and 'fast-track' services. This is because any non-mandatory (or unenforced) requirement for proper community engagement is more likely to be sidelined, particularly in the advent of commercialisation and a target culture, owing to the associated and variable (albeit relatively small) costs affecting profit.

Many aspects of development are of considerable importance to communities and effective pre-application engagement should be strengthened further, especially if Government implements plans to remove automatic consultation at the technical details stage. In the view of SALC, the potential introduction of changed planning application processes, fees and competition, along with the removal of consultation as of right are likely to fundamentally and adversely affect the ability for the community view to be represented.

Strengthening of the community engagement requirement and maintaining due notification and consultation are also important owing to the limited availability of retrospective redress for unfair processes. Judicial review is a prohibitively expensive process, beyond the means of most communities, and the Local Government Ombudsman has limited scope and is not accessible to local councils. Neighbourhood planning is helpful in enabling up-front shaping of development for some communities. However, it is costly, provides no right of appeal, is not reasonably accessible to all, and takes years to develop.

It is notable that Question 1.5 does not refer to the impact on communities.

Consultation Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle? a) future local plans; b) future neighbourhood plans; c) brownfield registers.
Consultation Question 2.2: Do you agree that permission in principle on application should be available to minor development?
Consultation Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?
Consultation Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?
Consultation Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?
Consultation Question 2.6: Do you agree with our proposals for community and other involvement?
Consultation Question 2.7: Do you agree with our proposals for information requirements?
Consultation Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?
Consultation Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?
Consultation Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

SALC recognises that the proposals have the overarching aim of ensuring that there are fewer obstacles to planning applications being agreed or permitted as of right, and to ensuring development progresses at a faster pace. SALC welcomes the recognition that neighbourhood plans should be given the same status as local plans in relation to decisions about the proposed 'in principle matters'.

The 'permission in principle' would deal with such matters as land use, location and amount of development and would be granted on sites in local plans and brownfield registers, and for minor sites (and potentially major ones too) on application to the local planning authority. Suitable sites would be deemed appropriate for development. With minimum work by developers, permission in principle would be obtainable. Although it is understood that Government considers that the preparatory work through local plans and registers would pave the way for readily agreeing this permission, it is not clear how this permission can be obtained on application based merely on a 'minimum amount of information'.

Given the resources available to planning authorities, the precedent of local planning authorities failing to progress local plans and the lack of realistic redress available to communities when flawed policies and local plans are developed, it is difficult to understand how this change can be fair and appropriate. There are particular concerns about the brownfield register process set out with questions 3.1 to 3.10 below.

Government acknowledges the '*need to ensure an appropriate assessment of the development proposed against local and national policy, and the opportunity for involvement of communities and other interested parties.*' However, there is negligible discussion within the proposal about how this would be ensured and no description of the consultation process for the new fast-track 'in principle' stage. The scope of consultation at permission in principle stage will be limited to land use, location and the amount of development. It is difficult to understand how this level of consultation can be considered satisfactory and meaningful given the restrictive parameters that Government has set.

Separately and at a later stage, 'technical detail' would be agreed but without any requirement for the planning authority to consult with communities. This despite the fact that many of the most important issues for communities will arise at this stage, including the design of housing, access, flood risk, drainage, the application of conditions and the negotiation of mitigation payments. SALC believes Government should reconsider an approach which, ostensibly, appears to be sidelining consultation with local councils, the community, and experts from key organisations.

Giving the local planning authorities '*the option*' to carry out further consultation with '*such interested persons as they consider appropriate*' is not in keeping with a Government which claims to value communities and wishes them to be involved in helping to shape communities. Once more we see the Government considering that 'local' stops at district, borough or unitary level with the statement that decisions on whether these authorities would consult others would be '*based on their judgement and would be informed by the engagement that took place when permission in principle was granted.*' The justification Government gives for this is '*While we think that it is important for appropriate further engagement to take place at the technical details consent stage, we consider that centrally mandating what should be done risks unnecessarily repeating*

engagement and takes away an important local flexibility. We do propose that it should be mandatory for applicants to notify landowners and agricultural tenants of the application (as is currently the case with a planning application).’ SALC finds this paternalistic approach unacceptable in undervaluing the role of local councils and communities.

Reassurance is offered regarding the environment that ‘Permission in principle will not remove the need to assess the impact of development properly before full planning permission is granted.’ Given the level of information that is required to enable the planning authority to satisfy its obligations under the Habitats Directive, it is unclear how this aligns with the stated intention for this stage to be light touch. There is a risk that the pressures being introduced into the planning system with limited available resources will make it less likely that the planning authority will be able to perform the needed assessments satisfactorily.

It is notable that there are only four paragraphs of the consultation in the section ‘Involvement of the community and others’.

SALC reiterates that there appears to be no right or opportunity to have genuine and meaningful engagement and consultation with local councils and others built into the new two-stage process. Given the pressures on planning authorities to pass planning applications and their reducing resources, the likelihood of them opting to engage with councils and communities in any meaningful way appears limited. Many of the matters of major concern to councils, including when conditions should be applied, will potentially proceed without any community consultation.

SALC believes the duration of permissions in principles and technical details consent should be kept to a minimum length of years. This aligns well with Government’s desire to encourage developers to proceed apace, would deter developers from applying until there was a realistic prospect that they would be in a position to commence the development and would limit the period of uncertainty over land use.

Currently, outline planning permission has a determination period of 8 weeks for minor applications, and a further 8 weeks for subsequent applications for reserved matters. The proposal is that permission in principle applications and applications for technical details consent should be subject to the following maximum determination periods: permission in principle minor application - 5 weeks; technical details consent for minor sites - 5 weeks; and technical details consent for major sites - 10 weeks

SALC is concerned that these proposals will have a negative impact on the capacity of the planning authority (or any private provider) to deal properly with planning matters. Additionally, by creating this framework Government will have set up a position where consultation with local councils and others will be difficult. In many areas, the tight determination timescales will make it less likely that any discretionary consultation, at technical details stage, will take place. Cutting the community voice out of the planning process is a counter-productive step for a Government with a claimed localism agenda. It removes the value of local expertise and knowledge from the system which cannot be in the interests of anyone.

Consultation Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?
Consultation Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?
Consultation Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?
Consultation Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?
Consultation Question 3.5: Do you agree with our proposals on publicity and consultation requirements? Given that permission in principle might follow inclusion on the register and that there might be concerns, for example, about sustainability and infrastructure, local councils will wish to be reassured that there will be full and compulsory consultation on inclusion of sites in such registers.
Consultation Question 3.6: Do you agree with the specific information we are proposing to require for each site?
Consultation Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?
Consultation Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?
Consultation Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?
Consultation Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

SALC notes that Government is using the Bill to introduce a statutory brownfield register and deliver its commitment that 90% of suitable brownfield sites have planning permission for housing by 2020. The proposal in this consultation is that brownfield registers would be a qualifying document to grant permission in principle and Government would *'expect authorities to take a positive, proactive approach when including sites in their registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing. We also expect that the large majority of sites on registers that do not already have an extant planning permission will be granted permission in principle, and technical details consent subsequently, for housing.'* Planning Practice Guidance will be published covering how brownfield registers should be drawn up and kept under review. The sites would be drawn from sources such as the Strategic Housing Land Availability Assessment and other relevant sources. SALC understands that this could include sites with extant planning permission and sites known to the authority that have not previously been considered, such as public sector land, land volunteered by members of the public and other interested parties in a short targeted exercise to enable windfall sites to be put forward by developers and others for consideration by the authority.

SALC is concerned about this rapid, windfall approach with such a strong emphasis on an expectation that the sites would be included in the register. There should be a robust assessment of suitability of sites before they are placed on the register for which there appears to be no provision. These sites will be highly likely to receive permission in principle and yet any consultation at that stage would be limited in scope and in some cases discretionary and relatively meaningless (in following the approach at permission in principle stage). Further, at the technical details stage, there would be no automatic consultation.

Although SALC, generally, supports an emphasis on developing brownfield sites as a priority and in preference to building on greenfield, some sites will not have the appropriate infrastructure to make them suitable for development. It is not clear what safeguards, if any, exist. The reference to the National Planning Policy Framework and Planning Practice Guidance does not offer sufficient reassurance, as this framework has not ensured that all developments have suitable infrastructure to date. With respect to brownfield sites, the concerns are heightened owing to Government's clear steer that planning authorities *'should only reject potential sites if they can demonstrate that there is no realistic prospect of sites being suitable for new housing'* and should *'drive progress'* in obtaining permission for housing on these sites. The mere likelihood of housing being suitable should not be deemed sufficient to entitle sites to be included on a register as this will, in all probability, guarantee them permission in principle. The proposals state that *'Permission in principle will be treated as a planning permission when assessing progress given the degree of certainty that it provides'*.

Local planning authorities should be required to be transparent and not simply 'encouraged' to publicise their decisions on whether sites will be included on the register.

It is disappointing that there are no accessible means of redress for communities faced with a flawed decision.

SALC objects to the Bill enabling planning authorities to have *'the discretion to consult their local communities and other interested parties, such as those who can offer specialist advice, about those sites.'* The stated assumption that *'local planning authorities are best placed to determine whether consultation with local communities and others would be helpful'* might be more realistic if those authorities had suitable levels of resources to enable this approach. In any event, SALC believes this paternalistic statement fundamentally and erroneously overlooks the value of proper engagement on planning matters affecting communities.

SALC also notes that Government intends to introduce a policy-based incentive which would mean that local planning authorities that fail to make sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five-year housing land supply when considering applications for brownfield development, and therefore the presumption in favour of sustainable development would apply. SALC does not believe this to be a sound basis for Government to entrench the problem of inappropriate development owing to claims that there is no established five-year land. In some places within the proposals Government purports to trust local planning authorities and in other areas the reverse position is applied and freedom to make the right decisions for their locality is overridden.

Consultation Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?
Consultation Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?
Consultation Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?
Consultation Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

SALC has ongoing concern about the cumulative impact of small developments without any mitigation payments from developers to ensure appropriate infrastructure is in place. Government has noted the value that neighbourhood plans play in shaping small development but is now proposing to require planning authorities to publish a small sites register.

It is not clear why Government would impose this burden on planning authorities when this register, ostensibly, has no more value than as an awareness raising exercise. SALC is concerned that the significance of this register will increase. Given Government's stance on brownfield sites, the fact that Government is considering whether they should permit local authorities to exclude sites from the register which they deem completely unsuitable for development, seems likely to set the foundation for an assumption that the sites are suitable for development. SALC believes that the planning applications system should be founded on a more transparent and robust determination of site suitability, with the impact of development properly and fairly mitigated.

Consultation Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?
Consultation Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?
Consultation Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?
Consultation Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?
Consultation Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?
Consultation Question 5.6: Do you agree with the proposed time period within which a referendum must be held?
Consultation Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?
Consultation Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?
Consultation Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?
Consultation Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

SALC generally welcomes a tightening up of the framework for neighbourhood planning and the new power to intervene by Government. It is noted, in particular, that the blockage at the stage of designating the neighbourhood area should be addressed through these measures and that Government is proposing to prioritise intervention where planning authorities fail to bring forward or fail to update their local plan, thereby limiting the opportunities for neighbourhood planning.

Neighbourhood planning is a major undertaking for local councils and the time taken to ensure a plan is adopted or at a stage which can be classed as 'emerging' can be a reason why local councils decide not to progress a plan, especially given the increased pace of development. Opportunities to shape development in the optimum manner are sometimes lost.

Support to neighbourhood planning from the planning authorities is required in law but is applied variably throughout the country. One unintended consequence of increased timescale pressures on planning authorities is that some will become less receptive to assisting with neighbourhood plans. SALC requests that Government looks closely at ways to ensure that this pressure is balanced with an emphasis on the duty of planning authorities to assist councils to progress plans and with adequate resources for planning authorities to be able to perform this function in a timely fashion.

SALC welcomes the proposed engagement with neighbourhood forums in areas where local councils do not exist. Government will wish to consider the status of neighbourhood forums in areas which later become parished. Although neighbourhood forums do not have the broad public service remit or the democratic,

accountable and transparent arrangements of local councils, they might provide for the foundation for interest in forming a future parish council.

Consultation Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?
Consultation Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?
Consultation Question 6.3: Are there any other factors that you think the government should take into consideration?
Consultation Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?
Consultation Question 6.5: Is there any other information you think we should publish alongside what is stated above?
Consultation Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

SALC agrees with Government that the absence of local plans in some areas is unacceptable. Communities should not be left with the impact of developers being able to progress sites that would be otherwise unacceptable except for Government permitting this on the basis of an apparent lack of five-year land supply.

SALC welcomes Government intervention to progress local plans under revised powers created in the Bill and would also welcome reassurance that a commitment to maintain community engagement will be incorporated regardless of whether a plan is developed with or without intervention measures.

SALC also welcomes clear and transparent information being required on plan progress at six-monthly intervals.

Consultation Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?
Consultation Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?
Consultation Question 7.3: Do you agree with our proposed approach to designation and dedesignation, and in particular (a) that the general approach should be the same for applications involving major and non-major development? (b) performance in handling applications for major and non-major development should be assessed separately? (c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?
Consultation Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

SALC recognises that the speed with which applications are being dealt with for major applications has increased since Government introduced performance targets, which refer to matters such as speed of decisions and number of appeals. The proposals include to expand powers to designate and dedesignate non-major developments and reduce one threshold for intervention to 10% of decisions overturned on appeal. There is no mention of whether better decisions are being made, resulting in the right development in the right place with appropriate infrastructure.

The proposal to extend this performance intervention is radical and surprising for a Government purporting to be committed to localism. The proposal involves an expanded centralised planning application process even incorporating minor developments and changes of use (although not householder applications). Introducing further duplication of planning systems, centralisation, remoteness, reduced democratic accountability and an inevitable reduction in community engagement appear to be an expensive and unsophisticated approach to addressing the problems that Government has identified. Government intervention would be limited to a detailed improvement plan for householder developments, where this is an area of under-performance, but this is still an expensive and bureaucratic solution to counter the problem of lack of resources at a local level leading to ‘underperformance’.

Given that Government recognises that there is underperformance and proposes radical changes, as well as committing considerable sums of taxpayer’s money to addressing this and supporting developers, it is suggested that now is the time for Government to introduce a community right to appeal planning decisions, exercisable through local councils.

Consultation Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?
Consultation Question 8.2: How should fee setting in competition test areas operate?
Consultation Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to do?
Consultation Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?
Consultation Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?
Consultation Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

SALC is concerned that the scope of the proposal to introduce commercial operators into the planning system is currently expressed vaguely and might be extended further: *‘More innovation may be possible and better use of resources, efficiency and performance, with full competition involving both approved private providers and local authorities competing for the processing of all planning applications in test areas. However, competition could be limited to just local authorities or specific types of planning application.’*

The likelihood of communities being consulted at the pre-application stage will reduce considerably if the system is commercialised. Despite the fact that pre-application consultation with communities is encouraged, there are instances where this is not happening and SALC recommends that this is addressed before a flawed system is extended to private providers. SALC believes that there is a need for strengthened requirements relating to community engagement throughout the process from pre-application to a right to appeal, as discretionary engagement and consultation are unlikely to be incorporated into planning authority practice, owing to resource and target pressures, or commercial practice, owing to pressures to profit from the planning application process.

SALC believes any test arrangement must build in carefully considered and effective community engagement measures, while appreciating that these arrangements must also be efficient.

SALC does not think it is appropriate to set private providers at an unfair advantage compared to planning authorities owing to differential fees structures. Additionally, SALC believes that the planning application system should be reasonably accessible to taxpayers generally, and not just developers, and would not want to see fees escalating unfairly.

Although some assurances are made about community engagement, they are vague and there are limited and inaccessible routes for redress in the event of non-compliance e.g. *‘local people and councillors will need to be able to comment on planning applications as they can at the moment’ (para 8.13)*. This is a broad and welcome statement but it is unclear how this fits with the discretionary consultation proposed at technical details stage - no consultation on such matters is considerably different from current planning application arrangements. It would also be inappropriate and misleading to carry out test arrangements on a different basis from the intended roll-out of the proposals.

Stringent assessment criteria should be applied to determine the providers to be ‘approved’. Performance measures and designating and dedesignating mechanisms should be applied to private providers to determine whether they should remain approved and be able to process applications, in the same way as requirements are applied to planning authorities. Planning authorities should not be disadvantaged by more stringent requirements in any respect.

Consultation Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?
Consultation Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

SALC recognises Government’s housebuilding policies which are stated as interlinked with economic growth. To that end, the Bill proposes to place a duty (currently there is only guidance) on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are “local finance considerations” (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus).

The Bill also provides for the Secretary of State to prescribe, through regulations other financial benefits that must be listed in planning reports, which are likely to include council tax revenue; Business rate revenue; and Section 106 payments.

SALC welcomes greater transparency in relation to these matters. However, SALC believes that increased information about economic matters should not undermine the need for planning authorities to also consider environmental and social aspects of planning, particularly given the considerable economic costs for the country that can arise from ill-informed and unbalanced decision-making on the latter two fronts.

SALC supports transparency and notes that it would also be beneficial if the ‘community benefits’ from shale gas etc., were also transparently listed.

Consultation Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?
Consultation Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?
Consultation Question 10.3: Do you agree with the proposals about what should be contained in a request?
Consultation Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?
Consultation Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?
Consultation Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?
Consultation Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?
Consultation Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?
Consultation Question 10.9: What matters do you think should and should not be taken into account by the appointed person?
Consultation Question 10.10: Do you agree that the appointed person’s report should be published on the local authority’s website? Do you agree that there should be a mechanism for errors in the appointed person’s report to be corrected by request?
Consultation Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?
Consultation Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?
Consultation Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person’s report, to restrict the use of other obligations?
Consultation Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person’s report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

SALC notes that Government is proposing to remove the automatic consultation of parties during the technical aspects planning application stage. This is the stage at which s.106 negotiations will take place. SALC is concerned that the process will become less transparent and responsive to community need without local council input. It is therefore essential that the local councils are consulted about the s.106 agreement, that the agreement is made available to local councils and that the dispute resolution process can be initiated at the request of the local council. The relative ease with which developers appear able to avoid s.106 obligations (small developments and viability claims) should be addressed to avoid adverse social, economic and environmental consequences for lack of needed investment in infrastructure. Any dispute resolution process should be a properly balanced process taking account of the fact that the fall-out from the lack of investment by developers in mitigating the impact of their developments, from which they profit, in many cases will end up on the taxpayer’s bill.

It is noted that this process will, in effect, remove section 106 decision-making from local democratic processes e.g. the right to refuse the application on a ground that relates to the appropriateness of the terms of the section 106, will be limited. It is not clear why Government is considering (without providing any associated detail) restricting the right of the planning authority to grant the application conditional on the other party undertaking other obligations not specified in the section 106 agreement, for example through use of section 278 (Highways Agreements facilitating development under which the developer has to pay for, or make alterations or improvements to, the highway).

Consultation Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?
Consultation Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

SALC notes Government's aim of opening 'at least 500 new state-funded free schools during this Parliament' and these proposals will increase or make permanent current permitted development rights. There appear to be no available safeguards although some of the proposals could have a significant impact on the local area and could decrease the availability of play areas and other open spaces for children e.g. through permitting, without the need for planning applications, extensions up to 25% of the gross floorspace of the original building.

Consultation Question 12.1: *What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?*

Consultation Question 12.2: *Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.*

On average Government indicates that the additional time requested by statutory consultees was between 7 and 14 days. It is not clear what significant advantage would be gained by restricting the ability to accept extensions in the exceptional cases that planning authorities consider legitimately require greater time given the importance of specialist advice. The fact that 5 -12% are having to request extensions is potentially indicative of the difficulty they are having meeting tight deadlines already. With cuts affecting many of these organisations, their ability to respond rapidly might be restricted. There are inherent dangers that important advice and views might not be provided owing to excessive time pressure at a time of resource restraint. SALC believes it is important to maintain local flexibility and avoid centrally set targets.

Consultation Question 13.1: *Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?*

Consultation Question 13.2: *Do you have any other suggestions or comments on the proposals set out in this consultation document?*

SALC noted that there is limited data available about the involvement of protected groups in the planning process or as developers. Local authorities have additional duties under equalities legislation and nothing within these proposals, including commercialisation, should result in lesser duties for private providers offering the same services. To do otherwise would disadvantage particular groups. It would also disadvantage local authorities who have additional costs and responsibilities associated with these duties. Any increased fees might incentivise private providers to enter the market but would disadvantage those on lower incomes seeking to make applications.

I would be pleased to discuss any aspect of this response further with your Department.

Yours Faithfully

Shona Bendix

Shona Bendix
Chief Executive Officer

Kersey Parish Action Plan for 2015 to 2020

Category	Issue identified in 2008 Parish Plan Or during 2014 Review	Action 2015 to 2020	Lead organisation and partners	Priority	Progress
Affordable Housing	<p>PP 2008. Wish for carefully planned expansion identified (18 households stated that someone would want affordable in the next 5 years)</p> <p>R2014. As 2008</p>	Monitor need for affordable housing and carry out further survey as necessary	Parish Council	Medium	<p><u>October 2011</u> Scheme abandoned as no residents attended the information event to express an interest in affordable homes in Kersey.</p> <p><u>October 2014</u> There may be a need for affordable housing but PC still not aware of any current need from residents in Kersey.</p>
Market Housing	<p>PP 2008. Wish for carefully planned expansion</p> <p>R2014. To survey all residents about their wishes relating to planning and development in the parish</p>	To carry out a further survey of residents specifically asking about building and development in the parish	Parish Council	Medium	
Planning and Development	<p>R 2014. Improve the knowledge of residents about the planning system, powers of the Parish Council and the responsibilities of property owners.</p>	Produce information for residents about the planning process, conservation areas and listed buildings	Parish Council and Babergh DC	Medium	

Kersey Parish Action Plan for 2015 to 2020

Category	Issue identified in 2008 Parish Plan Or during 2014 Review	Action 2015 to 2020	Lead organisation and partners	Priority	Progress
Cultural, Sporting and Recreational Facilities	<p>PP 2008. Desire for more planned social and sporting activities, including activities for young people to be achieved by creating a Kersey Sports and Social Club</p> <p>R2014. Clubs and groups enjoyed by members of the community but tend to be run by same few generally older volunteers. Younger people need to be encouraged to join in and volunteer to help</p>	<p>Monitor.</p> <p>Ensure website is up to date with contact info for all the various clubs.</p> <p>Encourage new volunteers to get involved in running clubs and societies.</p>	Community members and Parish Council	Medium	<p><u>October 2014</u></p> <p>No committee established for a Kersey Sports and Social Club but a variety of social and sporting activities take place in Kersey. See the Kersey newsletter and Kersey website for information on all the clubs, societies events and activities in the parish.</p>
Voluntary and Community Activity	<p>PP 2008. Desire for a Good Neighbour Scheme and a Volunteer Driving Scheme</p> <p>R2014. Support is offered on an informal basis. The community may support a formal scheme in future if the need arises</p>	Monitor possible future desire for schemes	Community members, Church and Parish Council	Low	<p><u>April 2011</u></p> <p>Following further investigation Good Neighbour Scheme not pursued because residents did not wish for a formal scheme. Informal community help and support is evident in the parish.</p>

Kersey Parish Action Plan for 2015 to 2020

Category	Issue identified in 2008 Parish Plan Or during 2014 Review	Action 2015 to 2020	Lead organisation and partners	Priority	Progress
Public Transport	<p>PP 2008. 80 people would use public transport</p> <p>R 2014. There is still a need for some public transport from and to Kersey</p>	Monitor provision	Parish Council and public transport users	Low	<p><u>October 2014</u></p> <p>Suffolk Links Cosford Area Demand Responsive Service operates in Kersey and although limiting it does provide a service to Hadleigh for those with no access to a car.</p> <p>The 112 service bus stops in Kersey on Tuesday and Thursday morning on a return trip to Sudbury.</p>
Traffic Management	<p>PP 2008 Wish for 20mph speed limit in Kersey village and 30 mph speed limit in the rest of the parish</p> <p>R 2014. There are still concerns about the speed vehicles travel through centre of the village</p>	Monitor and investigate 20 mph limit for the centre of the village	Parish Council and SCC highways	High	
Parking	<p>PP 2008. Concern about too many cars parked in the centre of the village and inconsiderate parking.</p> <p>R 2014. Lack of car parking and inconsiderate parking is still a problem</p>	Monitor and ask Police for support, liaise with school, explore car park options	Parish Council, police and school	High	

Kersey Parish Action Plan for 2015 to 2020

Category	Issue identified in 2008 Parish Plan Or during 2014 Review	Action 2015 to 2020	Lead organisation and partners	Priority	Progress
Road Safety	R 2014. To improve the footpath links between Vale Lane and the centre of the village	Progress Jubilee Steps and Vale Lane Footpath Link Project	Parish Council and SCC Rights of Way	High	<u>January 2014</u> Stage 1 Jubilee Steps –proposal put to SCC Rights of Way Stage 2 Vale Lane Footpath Link – arrange to meet with landowner to discuss options
Natural Environment	PP 2008. Requirement for Dog litter bins R 2014. Dog fouling still a problem	Monitor and publicise the issue. Put note in newsletter reminding owners of their responsibilities. Investigate need for more dog bins.	Footpath Working Group and Parish Council	Low	Dog litter bin installed in Kedges Lane in 2009 <u>March 2012 update</u> Installation of a dog bin in Water Lane not possible as Babergh would not be able to empty the bin in this location. New ‘no dog fouling’ signs put up in Water Lane and around the parish.
Natural Environment	PP 2008. An appetite for working groups to tidy village. R 2014. As 2008	Invite residents to take on areas they would like to keep tidy throughout the year. Encourage residents to join the Footpath Working Group to help keep paths walkable.	Parish Council, Footpath Working Group and community members	Medium	<u>January 2014</u> There is a group of volunteers who have tidied areas of the parish, in particular the area of Cherry Hill next to the footpath. PC to continue organising annual spring litter collection, promote widely to encourage participation. The Footpath Working Group maintains the footpath network in the Parish.

Kersey Parish Action Plan for 2015 to 2020

Category	Issue identified in 2008 Parish Plan Or during 2014 Review	Action 2015 to 2020	Lead organisation and partners	Priority	Progress
Access to Information	<p>PP 2008. Creation of Website</p> <p>R 2014. Existing website is good but needs promoting</p>	Promote the website and continue to improve content	Parish Council	Medium	<p>Website created and launched Feb 2010.</p> <p>January 2014 www.kersey.suffolk.gov.uk Website updated regularly.</p>
Access to Information	R 2014. Improve Broadband speed and provision in the parish	To continue to highlight the issue with SCC	Parish Council and SCC Councillor	High	<p>March 2014 BB speeds variable but very slow in some areas. No fibre technology available in Kersey yet.</p>
Access to Information	R 2014. Improve mobile phone reception in the parish	To investigate ways to boost the signals	Parish Council and SCC Councillor	High	<p>March 2014 Some areas, particularly near the Splash have very poor mobile reception.</p>
Local Democracy	<p>PP 2008. Keeping the Parish Plan alive in the community</p> <p>R 2014. As 2008</p>	Monitor	Parish Council	High	
Local Democracy	<p>R 2014. Vacancies for Parish Councillors.</p> <p>Low public attendance at Parish Council meetings.</p>	Encourage residents to engage with the Parish Council and review 'Parish Time' engagement at meetings.	Parish Council	Medium	