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EXTRAORDINARY PARISH COUNCIL MEETING

Held on Thursday 28th September 2023, commencing 7.30 pm. in the Village Hall.
Full reports and supporting documents can be found on the Parish Council website under Meetings, September 2023 Meeting Pack. Paper copies are also available.

Present:

Chair: Cllr Irene Mitchell.

Cllrs: Alison Bourne, Matt Chick, Frank Domoney, Lizzie Falconer, Iain Lamont, Mary Morrey, Janice Muckian and Jane Ranzetta.

Twenty one members of the public.

Opening Statement by the Chair:

The Chair began by welcoming everyone and introduced herself. She explained that this meeting is being recorded for the purpose of writing the minutes and that this recording, once the minutes have been approved, will be destroyed.

The Chair told Councillors that the agenda this evening is a single motion and asked the Clerk to explain the status of this meeting and the status of the document to be discussed.

The Clerk detailed that the meeting has two purposes, firstly to endorse the appointment of Janet Cheesley as Independent Examiner and secondly to approve the draft responses to the Representations received during the Regulation 16 Consultation period. The Clerk explained that Attachment A is the list of Representations received, Attachment B is the draft responses to the Representations and Attachment C is the summary of the Representations. He concluded by thanking the LNP Working party for the hard work they had put in and emphasised that these responses are draft. The purpose of the meeting is for Councillors to discuss the drafts and then decide whether to approve them for submission to the Independent Examiner.

1. Apologies and approval of absences

None

2. Declarations of Interest

No declarations of interest had been received.

3. Requests for Dispensation

The Clerk reported that no further dispensation requests had been received and that all dispensation grants, as reported in the minutes of the Council meeting on 6th July 2023, remained valid.

4. Public participation session

The Chair began by welcoming observers to this meeting of Council. She emphasised that this is not a public meeting but a meeting of the council held in public. Within the agenda there is a fifteen minute period for public participation. She explained that those who wish to ask a question or make a statement will have three minutes adding that if a question cannot be answered tonight it will be responded to in writing within 28 days. She concluded by reminding all of their responsibilities, highlighting the need to maintain silence during the deliberations of Council, not to approach Councillors, that Councillors must not engage with observers when the Council is in session and mobile phones must be in silent mode. She would try and give all participants a ten second warning before their time is up.

A member of the public said that he had written in response to both the Regulation 14 and 16 consultations but that having misunderstood the Consultation process had written about his concerns as to second home ownership only in his Regulation 14 response. He asked whether Council had read and discussed the Regulation 14 responses, the Chair confirmed that she had.

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The member of the public questioned why the Lavenham Press site had been 'singled out'. He concluded by saying that, in his opinion, the draft Neighbourhood Plan is too long and too difficult for many people to understand and that whilst he understood the legal reasons for that the consequence is that most of the public does not understand what is in the document and the implications of it.

The Chair responded that Council acknowledges this issue and that he was not alone in having these thoughts about the complexity of the documents.

A second member of the public began by welcoming the lifting of the limitations on rural exception sites so that the limit of 12 no longer applies and other amendments to encourage affordable housing in the village and then spoke about the definition of affordable houses recommending the definition given by Shelter. He then reminded Council of the favourable examiners comments on the 2016 Plan and its clear and logical explanations of objectives and policies. He also referred to his email of earlier that day to Councillors detailing his opinions with respect to LNP2.

The Chair explained to Councillors and the public that the member of the public was referring to an amendment which would be proposed and discussed later in the meeting. At this point an increase in the preferred number of 12 is an assumption. She reminded Councillors and the public that the Council does not have the right to amend the plan, and that if it does wish to do so, that will lead to a dialogue with the Independent Examiner.

5. Discussion of the motion 'the Council endorses the appointment of Janet Cheesley as Independent Examiner and approves the Responses to the Regulation 16 Consultation Representations as proposed in Attachment B'

Received:

The Clerk displayed the Report.

The Chair introduced the report beginning by thanking a Member of the Public for correcting an error in the draft responses to LAV 35 and 37 where the word 'not' had been omitted.

The Chair explained that Roy Mawford, Chair, of the LNP2 Group, was in the room to provide, where required, technical support to Councillors.

She confirmed that there is only one motion to be considered but that she had invited Councillors to come forward with amendments in writing under Standing Order 1g. One amendment had been submitted, from Cllr Lamont. She asked Cllr Lamont if he had a Seconder. Cllr Domoney seconded the amendment. The Chair asked Councillors if there were any other amendments. No further amendments were proposed.

The Chair invited Cllr Muckian to guide Councillors through the document explaining that immediately thereafter she will invite Cllr Lamont to speak to his amendment, followed by the seconder. Thereafter Councillors may speak in the usual manner. Once all have spoken the Chair will call for a vote on the amendment, if carried, it will be assumed to be incorporated into the relevant draft response. There will then be a vote on the substantive motion, if the amendment falls the meeting will proceed directly to the vote on the substantive motion.

Cllr Muckian began by thanking Roy Mawford for his offer of technical support and emphasising that Council had earlier in the year agreed the Neighbourhood Plan and that the task of Council this evening is to give, to the Independent Examiner, the Councils responses to the Representations. The Examiner has three options: firstly to pass the Plan as it is with no modifications, secondly to decide that it is not fit for purpose and thirdly to decide that it is fit for purpose subject to modifications. The Representations and Councils responses to those representations, including any changes that Council wishes to make in response to those Representations, are part of that process. Any changes to the submitted draft would need to be supported with the reasons to do so.

Cllr Muckian talked through each item in Attachment B:

General Policy Concerns:

G1: Policies Map. Raised by Suffolk County Council. This had not been included as the LNP Review Group and the Parish Council did not have the technical resources to produce a policies map. Recently Babergh DC has agreed to help produce this very specialist document. Council has accepted this offer.

G2: Document too complex: The Council recognises that this is an issue and has already begun planning for a summary document to be published for each Lavenham household before any referendum is called

G3: Insufficient public engagement: It is recognised that there had been less traditional public engagement than in the early stages of LNP 1 but the Reg 15 Consultation Statement shows the extensive level of engagement achieved despite the constraints imposed by the Covid19 pandemic. In the more advanced plan preparation stage, the level of engagement achieved as part of LNP2 cannot be said to have been less than that achieved at the same stage on LNP1.

G4: Insufficient Evidence: Council has listed the evidence sources and considers these sufficient.

G5: Failure to include Local Housing Survey evidence: The Housing Survey results were included in the submission version.

G6: Census evidence not included: Census data was included as soon as it became available, parish level data was slow to come out but was included in the submission version.

G7: Evidence from 2021 Questionnaire was unreliable: the Questionnaire return rate was not as high as we had hoped but Council considers that the Questionnaire, together with the other community engagement work undertaken, provides sufficiently reliable evidence. We accept that some residents disagree, and it will be up to the Examiner to judge whether the level of public opinion expressed in the draft plan is sufficient.

H1: Failure to address need for affordable housing: We have redrafted 7.5.5 in full, to read as follows: The Lavenham Community Land Trust carried out a Local Housing Survey in June 2022. Survey forms went to each of the 950 households in Lavenham. 248 forms were returned from households comprising a total of 500 residents. The survey identified 99 households seeking alternative accommodation, of which 52 needed affordable homes and 47 wanted market homes. We draw attention to that between March 2017 and March 2023, there were 144 new dwellings completed. Of these 46 are affordable homes. This represents 32% of the new dwellings in this period.

H2: Build affordable homes on Sudbury Rd and Melford Rd: There is currently no site allocation for Lavenham. Any previous sites earmarked for future development were effectively cancelled when the Joint Local Plan was paused by the JLP Examiners. The draft plan caters for Rural exception sites which are primarily for affordable homes in LAV17, providing the proposals fit within the preferred maximum size of developments expressed in LAV13.

Specific Policy Concerns:

LAV13 P1: Amend clause 2a: BDC's proposed amendment to definition of Rural Exception sites is too loose making no mention of distance from the settlement boundary. Our suggested amendment is – Rural exception sites that are adjacent to the settlement boundary and well-connected to key services, and that accord with Policy LAV 17 of this Plan.

LAV13 P2: Amend Clause 4 (strong preference for 12 units): The Local Planning Authority (LPA) has told us that its indicative minimum additional housing requirement for the period 2018 to 2037 is 118 dwellings. To date, 113 dwellings are either already built or in the development pipeline (Source: LNP2 Submission version, Appendix 2). So, LNP2 is not being asked by the LPA to deliver a significant additional number of new dwellings. LPC feels the unmet demand for housing, and the specific need for

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affordable homes, have been properly and adequately recognised in the LNP2 Submission Version which includes a strong community preference (this wording is carried forward from LNP1, and is NOT a cap) for developments of up to 12 dwellings. The community made clear its view in the narrative responses to the questionnaire with over 70 responses indicating, in their own words, that they preferred 'absolutely no further development at all'. Over 200 people said we should be concerned about the amount of recent housing development. Expert planning advice was sought and this advice was that we could not have a plan with no development. Together the public opinion and the advice of experts led to the preferred maximum of 12. The LNP1 strong community preference for 24 units was based on the 2016 responses which were prior to the building of 113 houses and were more favourable towards development.

LAV13: P4: Remove Clause 2e: We cannot override Paragraph 80 of the National Planning Policy Framework (NPPF).

LAV13: P5: No development on west side of Park Road: There are no plans or proposals to build on the west side of Park Rd.

LAV14 P6: We are happy to amend LAV14 Clause 1 to read as follows: Residential schemes must contribute to meeting the existing and future needs of the village. A mix in the size and type of housing will be required taking into account: the existing population profile (see Chapter Four); the needs of young people, the needs of an ageing population looking to downsize into homes suitable for lifetime occupation and the latest evidence on housing needs.

LAV18 P11: We welcome this representation from Babergh District Council. The original authors and the Council have had some challenges in crystallising what we actually wanted to say here. We suggest the following redraft to Clause 1: 'Housing for Older People 'Proposals for housing, specifically suitable for older people who are residents of Lavenham Core Village or its hinterland parishes, will be supported where they are a) sensitively and environmentally designed, and in accordance with other policies in the Plan b) designed to accommodate visitor, staff, and resident parking off-street and c) located within the Settlement Boundary (see Map 7)'

LAV19: Lavenham Railway Walk: We consider that the wording of the draft plan reflects the wishes of the community.

LAV27: Amalgamation of village schools in modern buildings: We consider that no change is needed to the plan.

LAV28 and 29: Marketing periods: We hope to persuade Babergh District Council of the unique circumstances that apply in our Retail core.

LAV31: The Lavenham Press site: We believe we have sufficiently explained our rationale to the Examiner.

LAV35 and LAV 37: Extend ALLS (Areas of Local Landscape Sensitivity): We have given a detailed response, following expert advice, considering such factors as whether local rural features and historic patterns have already been lost, explaining why we believe the proposed ALLS appropriate.

Autonomous Vehicles: At this time Council does not have a response concerning this, this may be a subject for the next neighbourhood plan.

The Chair thanked Cllr Muckian for her presentation.

Parish Councillors Discussion:

Cllr Ranzetta asked for a clear reminder on the process of the plan to conclusion. The Chair invited Roy Mawford to speak.

Mr Mawford referred to the Covering Note in the Briefing Papers explaining that at its 27th April 2023 meeting, the Council had approved 'Regulation 15' Submission of the above Plan (frequently referred to as LNP2) and its accompanying submission documents, to the Local Planning Authority (Babergh DC).

Since then, in July and August, Babergh District Council (BDC) has undertaken 'Regulation 16' Public Consultation on LNP2. BDC received representations from 23 organisations and residents, which it has collated into Attachment A to this report.

The purpose of this meeting is to offer our responses to those representations.

He anticipates that the Examiner will come back with questions and make statements to which we will be invited to respond, there may well be several rounds of this. At the end the Examiner will need to decide whether to a) pass the Plan as it is with no modifications b) decide that is not fit for purpose or c) decide that it is fit for purpose subject to modifications.

Roy Mawford explained that it is possible that the Examiner will say something that the Council has difficulty accepting, in such circumstances the Council can drop the Plan or accept the modifications.

The Clerk emphasised that if the plan is dropped or fails to pass the referendum then LNP1 remains in force.

The Chair invited Councillor Lamont to table his amendment.

Councillor Lamont explained that his amendment was to replace in the Representation response LAV17 P9 D:

'The proposal is appropriate to the size/scale and character of the village – consistent with LAV 13, the community strongly prefers schemes of no more than 12 dwellings'

with:

'The proposal is appropriate to the size/scale and character of the village – consistent with LAV 13, the community strongly prefers schemes of no more than 12 dwellings but with a single rural exception site allowing no more than 18 affordable dwellings'

Cllr Lamont explained that in his opinion:

- a) From the analysis undertaken by the LNP2 Review Group of the data provided in the Housing Needs Survey conducted in 2022 there is demand for affordable housing. The Housing Needs Survey conducted in 2022 identified 99 households who wanted changes to their housing arrangements of which 52 needed affordable housing. In addition to the survey data the waiting list for those wanting affordable housing via Gateway to Home and other waiting lists totals 38. Totalling 90. A significant demand. He acknowledged that there may be double counting between the survey and waiting lists and so suggested 45. A development of 12 affordable homes or the proposed 18 does not cater for this demand but goes some way towards it.
- b) There has been a representation from Babergh DC, the Lavenham Community Land Trust and 6 other representations requesting the limit of 24 dwelling be kept for all developments. That is not acceptable to the residents of the village according to the results of the LNP2 questionnaire who demand a reduction in developments. This amendment goes some way to a compromise.
- c) In addition, Lavenham has already met its quota as stated in the Draft JLP for the period covered by the new plan.
- d) A quota for market developments of 12 dwelling as proposed in LNP2 is too close to the 10 limit included within the National Planning Policy Framework that absolves any developer from providing a social housing element. Industry wide experience indicates that developers would ordinarily prefer to build 10 units to be offered in the open market than 12, which would provide in this district a 35% social housing element, i.e. 4, leaving 8 to be sold in the open market. So, any affordable housing is likely to be met by housing association developments.

- e) There is the added argument that as housing associations work on much tighter margins the viability of a development of 12 is currently borderline. The recent award-winning Peek Close development was 18 dwellings.
- f) A proposed compromise could be to keep the 12 limit for open market sites and allow the existing 24 limitation to stay in place for any social housing development. This amendment reduces this and proposes a limitation of 18 dwellings for one scheme only, similar size to Peek Close, on rural exception sites only as defined in LAV17

He concluded by recommending that Councillors vote in favour of his amendment and support the LCLT to build another Peek Close.

The Chair thanked Cllr Lamont for his amendment and asked the seconder (Cllr Domoney) if he wished to add anything. He said that he did not commenting that he was following Cllr Lamont's guidance.

Cllr Ranzetta asked what the Examiner, the same Examiner as LNP1, would make of the reduction from 24 to 12 in the context of the Babergh query, the Housing need and that both The Examiner and the Council were previously content with 24.

The Chair responded that the Public had responded in a different way to the 2023 Plan Questionnaire as compared to the responses in LNP1 and that the Examiner will consider this and all the other evidence presented to her before making her decision. It is possible that she may ask further questions before coming to that decision.

Cllr Falconer explained that when the Questionnaire arrived, as a resident, she felt that residents were being listened to and given a chance to design the future. She reminded Councillors that Council had previously voted unanimously, following a huge amount of work by the LNP2 group, to approve the Plan. She concluded by emphasising that Council needed to listen to the village and that Lavenham had 'done it's bit' to provide new housing including social housing.

Cllr Ranzetta asked if the Examiner could ask for further evidence or studies to allow her to make her final decision. The Chair asked Roy Mawford to comment who replied that there may be a dialogue with the Examiner but that dialogue could not be predicted. Roy Mawford reminded Councillors that what the Examiner is considering is whether the submitted Plan is within the constraints imposed by legislation.

The Chair asked any other Councillor if they wished to comment, they did not.

Vote on the Cllr Lamont amendment:

Proposed: Cllr Lamont

Seconded: Cllr Domoney

Decision: Rejected with two votes for, four votes against (Cllrs Chick, Falconer, Morrey and Muckian) and two abstentions (Cllrs Bourne and Ranzetta).

The Chair asked all Councillors if they had any other points they wished to raise, Cllr Domoney said that he was embarrassed by the comment on autonomous vehicles and that no reference had been made to the relevant emerging national policy CAM25.

Vote on the substantive motion:

Proposed: Cllr Muckian

Seconded: Cllr Ranzetta

Decision: Approved with no abstentions and one Councillor (Cllr Domoney) voting against.

The meeting closed at 8.45pm.

15. Date of next meeting: Thursday 5th October, 7.30 pm in the Village Hall

16th Oct

2nd November 2023