Suffolk Coastal District Council Local Plan
Examination

Matter Statement 4
Policies

Response on behalf of Pigeon Capital Management 2 Ltd and their Landowners

August 2019
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**Client**
Pigeon Capital Management 2 Limited

**Our reference**
PIGC3010 and PIGC3011
1. **Introduction**

1.1 This Hearing Statement has been prepared by Turley, on behalf of Pigeon Capital Management 2 Ltd (‘Pigeon’) and their Landowners, in respect of their land interests to SCLP12.29 South Saxmundham Garden Neighbourhood and SCLP12.66 Land Adjacent to Reeve Lodge, Trimley St Martin pursuant to Matter 4 (Policies) of the Suffolk Coastal Local Plan Examination.

1.2 Turley has previously submitted representations in response to the Council’s Issues and Options Consultation in August 2017, the First Draft Local Plan in September 2018 (Regulation 18) and the Final Draft of the Plan in February 2019 (Regulation 19) consultations.

1.3 The Landowners have entered into a partnership with Pigeon to process the sites through the planning process. Pigeon specialise in bringing together teams of leading designers and specialist advisors to deliver high quality residential and mixed-use sustainable communities. Pigeon is working with a number of landowners across Suffolk and the East of England to deliver high quality schemes. Pigeon’s experience demonstrates that it has a proven track record of planning and delivering high quality mixed-use sustainable schemes.

1.4 Through representations to the Local Plan consultations, Pigeon and the Landowners have demonstrated that Land Adjacent to Reeve Lodge, Trimley St Martin and land known as South Saxmundham Garden Community are deliverable, suitable and achievable. Whilst the Council do not rely on these sites to deliver within the first 5 years of the housing trajectory, Pigeon consider that the trajectory is conservative and as set out in their Matter 3 Statements for individual sites, it is feasible that these sites could start to deliver homes in 2022/23.

1.5 Pigeon continue to support the thrust of the emerging Local Plan as a whole, but also advocate a number of changes to some Development Management Policies to ensure that the Plan can be found ‘sound’.

1.6 Pigeon has requested the right to participate in the relevant Matter 4 Hearing Session to further articulate the issues raised in this Hearing Statement.
2. **Housing Policies**

*Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?*

**Policy SCLP5.8: Housing Mix**

*Questions 4.5 and 4.6*

2.1 In response to question 4.5, and as set out in the representations submitted to the Regulation 19 Local Plan Consultation (Feb 2019), Pigeon is supportive of the aim of the policy and understands the requirement for a mix of housing to be provided in order to meet the needs of a local area. Pigeon maintain that it has no objection in principle to providing a mix of house types, sizes and tenures as part of its schemes.

2.2 However, as highlighted in the representations, Pigeon maintain an objection to the level of prescription within draft Policy SCLP5.8 as set out in Table 5.1 which seeks for at least 40% of homes to be 1 or 2 bed. Reviewing the evidence base, it is concluded within the Plan Viability Study (Jan 2019) that Policy SCLP5.8 is considered a high impact policy which will have a direct impact on the viability and deliverability of schemes due to the prescriptive nature of the policy. It is not justified to apply District wide needs on a site by site basis. The housing mix should be based upon the local need of where development is being sought.

2.3 In view of this and in line with Paragraph 11 of the National Policy Framework (the ‘Framework’) (2019) the policy should recognise the need for flexibility and be worded so that it is “sufficiently flexible to adapt to rapid change”. We suggest that a more flexible approach is adopted by the Council and that the housing mix is set out on a site by site basis and contributes to the overall mix of housing in the District. As such, we have suggested a policy re-wording in accordance with national policy within our response to the Final Draft Local Plan at paragraph 4.6.

2.4 In response to question 4.6, the Policy proposes specific requirements for housing to meet Part M4(2) of the Building Regulations whereby in developments of 10 or more homes, 50% will be required to meet the Part M4(2) standard. In terms of consistency with national policy, the Planning Practice Guidance (PPG) is clear that evidence on both need and viability are required in order to justify the implementation of these standards. It is evident from reviewing the Council’s evidence base, that there is little justification demonstrating the need for the requirement to be set this high. Furthermore, the Policy fails to consider that all new homes will be built to Part M4(1) which will mean that they will be considerably more accessible than the existing housing stock.

2.5 As such, we are of the opinion that the standards are not ‘justified’ and that the Council has not provided sufficient justification for the adoption of these optional standards. As such, we have suggested a policy re-wording in accordance with national policy within our response to the Final Draft Local Plan at paragraph 4.6.
Policy SCLP5.9: Self Build and Custom Build Housing

Question 4.8

2.6 Pigeon is supportive of a Policy relating to self-build, however, as per the representations to the Final Draft Local Plan, Pigeon raise concern with the Policy as currently drafted as it is not ‘justified’. As stated within the representations, the Framework and the PPG require local planning authorities to identify local demand for self-build dwellings depending on locality.

2.7 A key concern relates to the self-build register and whether it provides an effective assessment of the demand for self-build plots. It is easy to register as a self-builder, in multiple authorities, without a proper assessment as to an individual’s ability or commitment to self-building. Therefore, there is a risk that self-build plots will remain vacant.

2.8 Taking this into account, we are concerned that the requirement for 5% of homes on developments of 100 or more dwellings to be self-build may not be supported by the register and that in certain areas, it would result in the supply of self-build plots outstripping demand.

2.9 In accordance with paragraph 2a-017 of the PPG, Pigeon suggest that the Council assess and review the data held on their register to ensure that it is accurate and that it would be better to work with landowners with suitable land to allocate self-build properties within the housing mix to be delivered such is the case for SCLP12.29 and SCLP12.66 amongst others in the draft Local Plan.

2.10 Furthermore, the critical barriers to custom build have historically included access to suitable plots of land to build on and therefore Pigeon suggest that the policy be adapted to incorporate a greater degree of flexibility to reflect the local demand for self-build dwellings depending on locality.

2.11 Policy requirements as per the Framework should be based on clear evidence and the Council should review their register regularly to ensure that it remains accurate as advocated within the PPG. As part of this review, the Council should analyse the current preferences of entries on its Self-Build Register to ascertain those which require individual plots and those who wish to build their own homes as part of a larger development.

2.12 Evidently, the Council has used a top down policy mechanism to meet the requirements for self-build and custom housebuilding whereas the Planning Practice Guidance (PPG) in paragraph 57-025 suggests other mechanisms including:

- Councils using their own land if available and suitable for self-build and custom house building and marketing it to those on the register;

- Engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
• Working with custom build developers to maximise opportunities for self-build and custom housebuilding.

2.13 This should be reflected within the policy and revised to have regard to the demand within the particular area and be flexible to the changing demand over time. As such, we have suggested a policy re-wording in accordance with national policy within the response to the Final Draft Local Plan in paragraph 4.10.

**Question 4.9**

2.14 In order to encourage self-build and custom housebuilding and to maximise opportunities in line with guidance within the PPG, there should be a greater degree of flexibility for self-build and custom housebuilding development in the countryside on the edge of existing settlements. In order to facilitate these sites coming forward, Design Codes are generally considered an essential tool for both helping existing communities to understand the form and design of homes to be constructed on self-build plots, and to balance flexibility of design with quality and consistency across a site.

*Policy SCLP5.10: Affordable Housing on Residential Developments*

**Question 4.10**

2.15 Pigeon is supportive of a policy which promotes the delivery of affordable homes, however, as detailed within the representations to the Final Draft Local Plan Pigeon consider Policy SCLP5.10 to not be ‘justified’ as currently worded.

2.16 The Policy fails to recognise that different locations will have different characteristics and that different sizes of site will provide varying opportunities for achieving a mix. There is also a need to make best use of land, and to take account of the existing stock of affordable housing within the locality in respect of the objective of achieving mixed and balanced communities. Instead, the policy prescribes a rigid tenure mix for affordable housing provision.

2.17 We therefore suggest that in order to allow for any change in considerations throughout the Plan period, the level of affordable homes should be determined by local housing needs and within the flexible definition of ‘affordable housing’ as set out in national policy. As such, we have suggested a policy re-wording in accordance with national policy within the response to the Final Draft Local Plan as set out in paragraph 4.13.
3. Climate Change Policies

*Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?*

**Policy SCLP9.2: Sustainable Construction**

*Question 4.27*

3.1 As detailed within the representations to the Final Draft Local Plan, Pigeon raises concern with Policy SCLP9.2 which requires all new developments of more than 10 dwellings to achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target Emission Rate as set out in the Building Regulations. In response to question 4.27 and as set out in detail within the representations, Pigeon consider the requirement to not be ‘justified’.

3.2 The Framework is clear that viability should be considered at the plan making stage and Pigeon is concerned that the imposition of such a requirement could have an impact on the viability of individual sites. Reviewing the evidence base, this has been tested as part of the Local Plan Viability Study (Jan 2019) which states that the Policy would amount to 3% of build costs and concluded that the application of the Policy would have a ‘high’ impact on viability.

3.3 Pigeon instead suggest that the Policy is reworded to include a degree of flexibility with a general aim to encourage schemes to exceed Building Regulations where possible. As such, we have suggested a policy re-wording in accordance with national policy within our response to the Final Draft Local Plan as set out in paragraph 6.5.

**Policy SCLP9.7: Holistic Water Management**

*Question 4.30*

3.4 Pigeon consider that the principles of Holistic Water Management as currently drafted within Policy SCLP9.7 are unclear and ambiguous. We consider the requirements overly prescriptive and the policy risks delaying development by introducing unnecessary obligations. There appears to be no evidence or reasoning to the requirements of Holistic Water Management within the Council’s evidence base. We therefore suggest that until additional evidence is obtained on the process of Holistic Water Management, the requirement should be removed from the Local Plan. As such, we have suggested a policy re-wording in accordance with national policy within our response to the Final Draft Local Plan at paragraph 6.9.
4. Natural Environment Policies

*Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?*

*Policy SCLP10.1: Biodiversity and Geodiversity*

*Question 4.31*

4.1 Pigeon recognise the contribution that development can make to maintaining and enhancing biodiversity. However, we wish to maintain our objection to this Policy on the basis that it is not ‘justified’ or ‘consistent with national policy’.

4.2 The Policy refers only to ‘development’ and makes no further distinction. The Policy should recognise that not all development has the potential to impact on biodiversity. The Policy also attempts to address both designated and non-designated areas. As such, the Policy is not consistent with Paragraph 177 of the Framework which states that Local Plans should distinguish between a hierarchy of sites. This is to distinguish between the different weight that should be applied to such sites, depending on their significance. By incorporating both into one Policy means that the Policy is ambiguous. This is also not in accordance with paragraph 16 (d) of the Framework which specifies that there is a requirement for plans to ‘contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals’.

4.3 Furthermore, the final paragraph of the draft Policy refers to a ‘requirement for developers to make a financial contribution toward the strategic mitigation within defined zones’. We suggest that this part of the Policy is modified to say that ‘where mitigation cannot be provided on-site, then requirement for developers to make a financial contribution towards the strategic mitigation within defined zones will be sought.’

4.4 In order to support this statement, the Policy does need to be clear on what basis such a contribution will be sought. As stated in Paragraph 34 of the Framework in respect of developer contributions, “such policies should not undermine the deliverability of the plan”.

4.5 As such, we have suggested a policy re-wording in accordance with national policy within the response to the Final Draft Local Plan.

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1 Defined as a development ‘with the potential to impact upon ‘a Special Protection Area, Special Area for Conservation, or RAMSAR Sites.
5. **Built and Historic Environment Polices**

*Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?*

*Policy SCLP11.1 Design Quality*

*Question 4.35*

5.1 Pigeon support a policy which seeks to secure development designed to a high standard. However, we consider that there is no evidence supporting the Building for Life 12 requirement and no indication of the costs and implications for the viability of developments.

5.2 Pigeon maintain as set out within the representation to the Final Draft Local Plan, that each scheme should be assessed on its own merits against the criteria as set in criterion a-j and that not all schemes will be able to achieve a positive score against the Building for Life criteria. It is noted that not all schemes are able to score a positive scoring under the Building for Life criteria and that there are other more inclusive indicators to assess the design quality of a development.

5.3 The point we would like to make is that taken as a single requirement the Building for Life requirement may not pose any viability implications, however, what the Plan fails to take into consideration is the collective scale of requirements and standards imposed within the Plan in addition to the wider context of development costs and viability within which standards will be applied. As such, we have suggested a policy re-wording in accordance with national policy within the response to the Final Draft Local Plan to allow for a degree of flexibility but not comprising the need for high quality design.