

DC/203284/FUL. & DC/20/3362/FUL. Land to the west of Chapel Road Grundisburgh Chapel Field.

The information that passed between Suffolk County Council (SCC) the promoter of the site Hopkins Homes (HH) and East Suffolk Council (ESC) was the subject of a Freedom of Information (FIO) request.

Recently a reply was received all be it a month later than the statutory 6 week period.

After considering all the information received the following email was sent to relevant officers and members of both SCC and ESC signed by Peter Kendal and Ann Willetts

Dated 27<sup>th</sup> November 2020

Dear Sir/Madam.

Recently, some information has come to our attention that casts some doubt on the integrity of the Local Plan examination process recently conducted by the Secretary of State, involving East Suffolk District Council (ESDC) and Suffolk County Council (SCC). Although this information only concerns a small part of the Local Plan, you will be aware from the large number of representations opposing the allocation of Chapel Field under Policy SCLP12.51 (originally 12.52) that there is significant negative sentiment about the proposal and as such it is a very important matter to the residents of Grundisburgh and, by extension, Grundisburgh & Culpho Parish Council (GCPC) who we represent.

This new information leads us to believe that:

- I. Key information was withheld from both the general public and Planning Inspector by ESDC and SCC during the Local Plan examination that may have had a material impact on the assessed deliverability of the site.
- II. ESDC and SCC demonstrated unequal treatment in terms of consultation and engagement with impacted landowners based on whether they would be supportive or not supportive of the proposal.

We kindly request that these matters be examined **promptly**, that our questions below are **answered honestly** and that **appropriate remedies are applied** based on your findings.

To recap; after determining that policy SCLP12.52 in the Final Draft Local Plan was not deliverable in its first iteration, ESDC and SCC sought to amend the policy through Main Modification 86. The substance of this change was to provide *safe and suitable access* to the site by shifting the access point to Park Road to the south, by providing the necessary road widening to Park Road (which we still feel is insufficient) and specifying the need for village connectivity to the north of the site. The key evidence demonstrating the deliverability of this amended policy was a Statement of Common Ground (SoCG - attached) which was drafted and signed between ESDC, SCC and the Site Proposer before being provided to the Planning Inspector and published for public examination.

Quoting passage 6 of the SoCG: *"The parties agree that the attached proposed indicative access drawing (1812-296-001E attached) demonstrates that safe and suitable access arrangements can be achieved with passing places on Chapel Road and the widening of Park Road, which can be achieved within land controlled by the Highway Authority and the site landowner. This is sufficient to demonstrate in principle, for the purposes of the Local Plan Examination, that highway access engineering measures can be delivered, with more detailed proposals to be submitted and scrutinised through the development management process."*

The SoCG included a technical drawing detailing the extent and nature of road widening needed as well as maps showing noteworthy boundaries - specifically the conservation area to the north, and Grundisburgh Hall 'Historic Park & Garden' (HP&G) immediately to the south of Park Road.

However, we now understand that both ESDC and SCC were aware that the necessary road widening would require some land belonging to HP&G to be sacrificed, including the removal of trees and hedgerows, all in apparent conflict with Policy 'SCLP11.8: Parks and Gardens of Historic or Landscape Interest' which states: *"Applications for planning permission will be permitted where the development proposal will not have a materially adverse impact on the character, features or immediate setting of the delineated park or garden"*.

We now know that ESDC and SCC were aware of the requirement for veteran tree and hedgerow removal because a prior, *unpublished* version of the technical drawing (1812-296-001C) - attached - details this exact requirement and was in the possession of the relevant officers of both ESDC and SCC.

To understand how these points came to be removed from subsequent versions of the technical drawing I refer to the (attached) email exchange between the Site Proposer and SCC dated 10th October 2019 (prior to the publication of the SoCG) which says: *"Please find attached an amended site access plan for Grundisburgh following further discussion with Andrea McMillan at East Suffolk. Andrea requested that the text boxes which referred to tree/hedge removal to be omitted as this is too much detail at this stage."*

A second, and equally important, consideration in assessing the deliverability of the allocation related to the pedestrian connectivity to the wider village via the footpath on the northern perimeter of the site.

We were disappointed to recently find out that the SCC Public Right of Way team (PROW) team had in fact carried out an assessment of the proposed route and highlighted a number of issues as detailed in this excerpt from an internal email exchange at SCC: *"I did go out and have a look on site, there is scope to improve the route, and having checked the def map [sic] it looks as though the line of the path is adjacent to the barriers I thought might be a problem. The route from Ipswich road through the carpark is surfaced and obviously shared with the vehicular access, it doesn't look as though there is scope to segregate the use at this point, the rest is grass through the recreation ground then it kinks to the North to run behind the houses, some clearance/shrub removal may be required along this section to achieve the desired width but there are likely to be pinch points... ..We would normally liaise with the landowners when it comes to resurfacing and or upgrading but ultimately the Highway Authority own the surface of the path and as much of the subsoil as required to maintain it..."*

We note that even now, after a full planning application for the site has been submitted, that no-one from ESDC, SCC nor the Site Proposer actively engaged either Fields in Trust (FiT), the trustees of the recreation ground, nor even GCPC in any of these matters; despite this being something that the PROW team said they would '*normally*' do in such a situation, and that it was the '*biggest single issue*' in an SCC officer's eyes (attached).

We are grateful that FiT commented on the subsequent planning application, but we feel their input should have been incorporated into the Planning Inspector's review, whether part of a formal consultation or not. We are aware that any such changes/improvements to PROW on third party land should be delivered through a proper consultation process but even now, more than a year later and in the midst of a full planning application, we are still unclear on the exact route, dimensions, design and surface of the proposed footway that such a consultation would have determined.

These are our questions:

1. Why did ESDC request to delete the text boxes calling for the removal of trees and hedgerows on protected land from the Site Proposer's technical drawings included in the SoCG?
2. Why didn't SCC challenge the decision to suppress this information from the Planning Inspector and the general public?
3. Why did no-one from SCC see fit to consult with FiT as part of the formulation of the SoCG, to confirm the nature and deliverability of the footpath improvements, despite this being what they would '*normally*' do and the '*biggest single issue*'?
4. What was the potential impact of excluding all of these materially important considerations from the public consultation and the Planning Inspectors review? (Particularly where there is obvious conflict with known policy frameworks and damage to our Historic Environment and Heritage Assets).

If we consider these new developments in addition to the long list of existing problems relating to this site allocation and subsequent planning application, there appears to be a pattern of behaviour on the part of our local authority planning teams that potentially brings into question the integrity of the process and the soundness of policy SCLP12.51 in the Local Plan.

Again, we kindly request that these matters be examined promptly, that our questions above are answered honestly and that you operate in good faith as you consider appropriate remedies based on your findings. We remain opposed to policy SCLP12.51 in the Local Plan and the full planning application underway for the site, but hope that in shining a light on these issues we might get closer to achieving a satisfactory outcome for our community.

Yours sincerely,

Documents attached:

- Statement of Common Ground - SoCG
- Indicative access drawing - 1812-296-001E
- Unpublished technical drawing - 1812-296-001C
- Email exchange - 1st July, 26th July, 10th October
- 1st July email included above

The following response was received from Philip Ridley on behalf of ESC & SCC  
Dated 14<sup>th</sup> December 2020

Dear Mr Peter Kendall

**Complaint reference CCCT278612462 - Local Plan Examination process**

I write with reference to your email dated 27 November 2020, and its attached documents.

For ease of reference, a list of all documents referred to is provided at the end of the response.

For the avoidance of doubt, in keeping with your questions this response is focused upon the preparation of the Local Plan which should be viewed as a separate process to that of the submission and determination of a planning application.

Firstly, I will set out the background to the allocation of the site at Land West of Chapel Road Grundisburgh, under policy SCLP12.51 in the adopted Suffolk Coastal Local Plan, as this will provide context to my response to your specific questions.

The production of the Local Plan began in 2016 with the gathering of evidence to inform the Plan, including identifying sites that could be considered for allocation for development. Potential sites for allocation were identified through a 'call for sites' process whereby submissions of land to be considered for allocation were invited by the Council. This was undertaken in 2016 (with further opportunities to submit sites provided through the consultation on the Issues and Options in 2017 and the consultation on the First Draft Local Plan during 2018). The first consultation held as part of the production of the Plan was the Issues and Options consultation which was held between August and October 2017. This consultation set out a range of options and questions relating to the potential strategy and policies of the Plan, as well as setting out a number of sites as 'potential land for development'. At that stage the sites had not been subject to assessments to identify their suitability but were all shown for transparency in order that people could see all sites that had been submitted and comment on them. Land West of Chapel Road is site reference number 351.

Following the consultation, the Council considered the consultation comments alongside preparing further evidence to inform the preparation of the Plan. This included assessing sites through the Strategic Housing and Economic Land Availability Assessment. Through the Strategic Housing and Economic Land Availability Assessment key site specific matters and constraints are considered. This covers a range of matters including highways and access, landscape, biodiversity and heritage. Through this assessment Land West of Chapel Road (site 351) was identified as a potentially suitable site and was presented as such in the Draft Strategic Housing and Economic Land Availability Assessment (July 2018). However, the site was not selected as a preferred site for allocation, with Land West of Ipswich Road (site 1119, submitted through the Issues and Options consultation) put forward as a proposed allocation in the First Draft Local Plan. Appendix I to the First Draft Local Plan presented all of those sites that were alternatives (i.e. those that had been identified as potentially suitable but that had not been selected as preferred allocations), and at this stage the Council invited further alternatives being suggested through the consultation.

The site at Land West of Chapel Road was identified for allocation following consultation on the First Draft Local Plan as part of the evolution of the Plan, and it is not unusual for site allocations in plans to evolve and change during the process of plan preparation. The Consultation Statement (Regulation 22c Statement) (March 2019) summarises the responses that were received in relation to the First Draft Local Plan that was subject to consultation between 20th July and 14th September 2018. In response to the consultation responses received to the proposed allocation of Land West of Ipswich Road, in particular around potential landscape impacts, alternative sites were considered. This involved revisiting the sites identified as potentially suitable in the Strategic Housing and Economic Land Availability Assessment and as a result of this Land West of Chapel Road was identified.

A smaller part of site 351 was identified for allocation in the Final Draft Local Plan which was published to receive representations related to soundness between 14th January and 25th February 2019, under policy SCLP12.52. The Consultation Statement (Regulation 22c Statement) (March 2019) summarises the key issues that were raised and the full responses are contained in the Representations on the Suffolk Coastal Final Draft Local Plan – In Plan Order (March 2019) and Representations on the Suffolk Coastal Final Draft Local Plan – In Representor Order (March 2019). Whilst at this stage Council officers read and understand the contents of the representations, they are submitted to the Planning Inspectorate along with the Plan and the evidence base for consideration through the Examination of the Plan and are not considered by the Council. As you will be aware, these representations included representations from Grundisburgh and Culpho Parish Council, along with numerous other representations related to the site allocation at Land West of Chapel Road.

The Inspector published his Initial Matters, Issues and Questions in June 2019. This included the following question related to Land West of Chapel Road:

“Question 3.69 Would the proposed access via Chapel Road and the wider village road network achieve safe and suitable access for all users? Is the Policy sufficiently clear as to how a decision maker should react to a development proposal in this regard? In terms of vehicular and pedestrian access and the requirement for any off site works, is the site deliverable or developable as per the Framework definitions?”

The Council’s full response to this question is set out on page 21-22 of its Matter 3 (SCLP12.34 – SCLP12.72) Statement (August 2019), however in summary the Council acknowledged the volume and nature of representations received and explained that it would support modifications to provide further options in respect of vehicle access and to add greater clarity in relation to the role of pedestrian access and footways.

Hearing sessions in relation to a number of the site allocations, including Land West of Chapel Road, Grundisburgh, were held on Tuesday 17th September 2019. Following this session, in response to the Inspector’s questioning, a Statement of Common Ground between East Suffolk Council, Suffolk County Council and Hopkins Homes was pursued, with the purpose of setting out an agreed position on the achievement of an appropriate and safe access.

At this stage, the purpose was not to identify or agree to a specific scheme, which would form part of the planning application process, but was to set out a position at the Local Plan level. This Statement of Common Ground was signed and submitted to the Inspector in October 2019.

The subsequent key stage in the Examination of the Local Plan of relevance to this site was the Main Modifications consultation. Based upon the information he had received or heard to date, the Inspector proceeded to a consultation on proposed Main Modifications in May 2020. In relation to the allocation at Land West of Chapel Road this included proposed modifications to the site area (to correspond with the boundary of site 351 as originally submitted to the Council for consideration) to accommodate access from Park Road, and to the criterion related to provision of pedestrian access and footways “to support access to services and facilities in the village” (under reference number MM86). Corresponding modifications to the Policies Map were proposed by the Council in relation to the boundary of the allocation (under reference number PM18 and PM28).

Comments on the proposed Main Modifications were invited between 1 May 2020 and 10 July 2020. The comments received were submitted to the Inspector who considered these in reaching his final conclusions on the Plan.

The Inspector presented his conclusions in relation to the site in his final report in September 2020 (paragraphs 163 to 166) and concluded that with his proposed modifications the Plan would be sound. The Council proceeded to adopt the Plan on 23 September at a meeting of Full Council.

I will now answer each of your questions/points within your complaint.

You have asked that I examine the two matters below (labelled I and II) and have then set out four questions. I have therefore responded to the four questions giving particular attention to your points I and II.

*I Key information was withheld from both the general public and Planning Inspector by ESDC and SCC during the Local Plan examination that may have had a material impact on the assessed deliverability of the site.*

*II. ESDC and SCC demonstrated unequal treatment in terms of consultation and engagement with impacted landowners based on whether they would be supportive or not supportive of the proposal.*

*1. Why did ESDC request to delete the text boxes calling for the removal of trees and hedgerows on protected land from the Site Proposer's technical drawings included in the SoCG?*

This question is understood to relate to an email from the agent acting on behalf of Hopkins Homes, following a conversation with Andrea McMillan, Principal Planner, in the Planning Policy and Delivery Team. This, of course, cannot be taken as a direct comment from East Suffolk Council but is the relay of information relating to the removal of text boxes.

At the Local Plan level, it is not necessary for any of the three parties to agree to the detail of any particular scheme that would usually be considered at the planning application level. In this respect, the Statement of Common Ground between East Suffolk Council, Suffolk County Council and Hopkins Homes (October 2019) states in paragraph 3 that "This statement concerns the local plan-making process and demonstrating the principle of deliverability, and is made without prejudice to determination of any future planning application on this site by the Local Planning Authority and Highway Authority, and any planning or highway agreements which may be reached."

Paragraph 6 explains the signatories' positions in relation to the drawing attached to the Statement of Common Ground and states "The parties agree that the attached proposed indicative access drawing [1812-296-001E attached] demonstrates that safe and suitable access arrangements can be achieved with passing places on Chapel Road and the widening of Park Road, which can be achieved within land controlled by the Highway Authority and the site landowner. This is sufficient to demonstrate in principle, for the purposes of the Local Plan Examination, that highway access engineering measures can be delivered, with more detailed proposals to be submitted and scrutinised through the development management process." It is therefore clear that the purpose of the Statement of Common Ground is not to set out the details of a final highways solution, as that is for the planning application stage, but to confirm that a deliverable scheme is possible.

The production of a Statement of Common Ground, by its nature, involves a number of iterations and explains the existence of an earlier drawing that did not form part of the final agreed statement. East Suffolk Council would not necessarily agree to the first iteration of a Statement of Common Ground but would carefully consider the contents and ensure it is signing up to a Statement that it is supportive of. In relation to Grundisburgh Hall Park, an important element of the Statement of Common Ground is the inclusion of paragraph 9 which states that "The Site Promoter and the Local Planning Authority agree that, through the course of the preparation and determination of a planning application, appropriate consideration will need to be given to any potential impacts upon Grundisburgh Hall Park related to provision of access." It is clear therefore that East Suffolk Council was seeking to ensure that appropriate provision was made for the historic parkland and that the Council's position was quite rightly not to achieve access to the site 'at any cost'.

Given the above, it is not clear what assistance would have been afforded to the Inspector by him having sight of earlier, unagreed, versions of the Statement of Common Ground, showing text boxes that were removed in later versions.

To further highlight East Suffolk Council's position on this matter, I would direct you to the Council's response to the comments received to the Main Modifications consultation (Summary of Issues Raised and Council's Response, July 2020, page 220-222). In response to comments received in relation to the potential impact on Grundisburgh Hall Park the Council offered up a modification to the supporting text of the policy which would state that the provision of access should ensure appropriate consideration is given to potential impacts on Grundisburgh Hall Park, noting that trees and hedgerows on the southern side of Park Road form part of the parkland. The Inspector did not conclude that this modification was necessary in his final report,

however this does not mean that this would not be a consideration in the determination of a planning application, noting the reference to Policy SCLP11.8 'Parks and Gardens of Historic or Landscape Interest' in your email.

Should a planning application propose the removal of trees and hedgerows this would need to be considered in the context of the relevant planning policies in the Local Plan.

*2. Why didn't SCC challenge the decision to suppress this information from the Planning Inspector and the general public?*

As explained above, the production of a Statement of Common Ground would, in the usual course of events, involve more than one iteration through the process of reaching agreement. It is not clear what benefit either the Inspector or the public would gain from the submission of unagreed drafts, which may in fact serve to confuse matters. Suffolk County Council are a signatory to the Statement of Common Ground, as highways authority, and East Suffolk Council is therefore unaware of any reason why Suffolk County Council may have cause to challenge the content of the Statement of Common Ground.

*3. Why did no-one from SCC see fit to consult with FiT as part of the formulation of the SoCG, to confirm the nature and deliverability of the footpath improvements, despite this being what they would 'normally' do and the 'biggest single issue'?*

This question is directed towards Suffolk County Council however I am able to provide some relevant information. Fields in Trust is a consultee on the Local Plan mailing list. Fields in Trust were therefore consulted on the Final Draft Local Plan and on the Main Modifications, however, did not respond. Whilst this, of course, cannot and should not be taken as their agreement to any actions on land which is held in trust, they have been aware of the preparation of the Plan and have had the opportunity to make comments on the Plan should they have so wished.

Importantly, and consistent with other site allocations in the Local Plan, the policy does not set out the detailed way in which pedestrian access could be provided. This is appropriately considered at the planning application stage and may or may not require the use of land that is not highways authority owned land. Representations made in relation to the proposed Main Modifications did also refer to the playing fields being held in a Trust and the Inspector was therefore aware of this in reaching his conclusions on the Plan.

*4. What was the potential impact of excluding all of these materially important considerations from the public consultation and the Planning Inspectors review? (Particularly where there is obvious conflict with known policy frameworks and damage to our Historic Environment and Heritage Assets).*

As explained above, it is not clear what benefit there would be for the Inspector or for the public in the submission or publication of earlier, unagreed, drafts of the Statement of Common Ground. Importantly, the agreed Statement of Common Ground does not commit any party to supporting the removal of trees and hedgerows.

As also explained above, East Suffolk Council has not set out to agree to the removal of trees and hedgerows but has sought to ensure that the Statement of Common Ground and the Local Plan give appropriate recognition to the protection of Grundisburgh Hall Park.

The Inspector has considered all the representations submitted to both the Final Draft Local Plan and the Main Modifications in reaching his conclusions on the Plan and in determining which modifications he considered to be necessary.

I am satisfied that all the correct processes and procedures have been followed and that no 'remedies', as you refer to, are necessary. The Local Plan has been found sound (subject to main modifications) as a result of a thorough Examination by an independent Planning Inspector, and the Council has proceeded to adopt the Plan. Notwithstanding this, the Council is not at liberty to make further changes to the Local Plan and, regardless, a planning system which enabled a Council to make further changes to a Plan after Examination, or even after adoption, would not be robust or fair and would undermine the rigorous process of Local Plan production.

I trust the above information and explanation is of assistance to yourselves as regards the production of the Local Plan.

**Schedule of documents referred to in the response**

The documents referred to in the response are listed below and can be viewed in the Suffolk Coastal Local Plan Examination Document Library accessible on the Examination pages via Suffolk Coastal Local Plan examination East Suffolk Council

We were not satisfied with the answers so on Dec 20<sup>th</sup> emailed the following letter to

Dear Mr Ridley

**Complaint reference CCCT278612462-Local Plan Examination process**

Thank you for your email response of the 14<sup>th</sup> December. Although it was comprehensive, you have not addressed the fundamental concerns embodied in the Parish Council complaint and we seek an internal review to consider the matter further.

You do not deny that ESC asked for the information within the text boxes included in Plan 1812-296-001C to be removed. Instead, you suggest that this is of benefit because it allows for this aspect to be assessed at the planning application stage. The core of our complaint is that we feel that the text box 'detail' was entirely relevant in determining the deliverability of the site during the Local Plan Examination and Modifications, not least because it highlighted a direct conflict with policy 'SCLP 11.8 Parks and Gardens of Historic or Landscape Interest'. The Parish Council, with the benefit of past experience, know that the planning application stage is too late in the planning process for a proposal to be refused once a site has been allocated and the Physical Limits Boundary extended in the local plan, assuming a presumption in favour of development. The appeals process would always work against the local planning authority.

-At the inquiry on Sept 17<sup>th</sup> 2019, Ingent in their Technical Note produced for Hopkins Homes dated July 7<sup>th</sup> 2019 gave detailed reasons why access to Land West of Chapel Road was not possible via Chapel Road / Meeting Lane, but stated that "Park Road and Lower Road present more suitable routes for access to the site. Limited improvements to Park Road would appear achievable subject to clearance within the highway boundary".

After the Planning Inspector had determined that Chapel Road and Meeting Lane were unsuitable for access to the site, and found SCLP12.52 unsound, for him to make a proper assessment about the site's deliverability the further detail produced by Ingent in Plan 1812-296-001C would have clarified his assessment, but was deliberately withheld from his scrutiny by ESC, SCC and the promoter of the site.

For the inspector to make a proper assessment about the site's deliverability, it should have been explained in the Statement of Common Ground that the only remaining option for 'safe and suitable' access, Park Road and Lower Road, required improvements that were contingent on the removal of veteran trees and hedgerows from Grundisburgh Hall Park, Non-Designated Heritage Asset specified by ESC. The Inspector, in his final report, was anxious "to safeguard the setting of the nearby Grundisburgh Hall Historic Park and Garden". Can you still, in good faith, claim that "it is not clear what benefit there would have been for the Inspector or for the public in the submission or publication of earlier, unagreed, drafts of the Statement of Common Ground" when ESC and SCC officers knew that the removal of the trees and hedgerows from Grundisburgh Hall Park was required?

Regarding your claim that Fields in Trust (FiT) were properly consulted about the impact of the site proposal, we are not satisfied that either ESC or SCC acted appropriately and dispute your claim strongly. The sum of all the mentions of the playing field in the 1000+ pages of the Local Plan, Main Modifications and Appendices is the single paragraph: "12.577: Vehicle access to the site is expected to be onto Chapel Road, and safe pedestrian access will need to be provided, including exploring opportunities to create safe access to Ipswich Road via the recreation ground."

Despite advanced, and detailed discussions with the site proposer about the needed PROW improvements, including a site survey by SCC, we consider the fact that no active engagement with FIT took place, other than them being on the mailing list for finished publications; this is wholly unacceptable, and reflects that a decision was made by ESC and SCC to avoid contact with them.

Had SCC disclosed to the Inspector the complications they knew of in relation to the PROW, and made him aware that any improvements would have to be done against the wishes of the land trustee (as has now been demonstrated through the subsequent planning application) we believe that it would have been less likely that Policy SCLP12.51 and Main Modification 86 would have been considered sound in their present form.

This all presents a glaring inconsistency; for Park Road, local authority officers conducted no site survey of their own, but demanded that the third-party landowners be consulted to assess deliverability. For the PROW, those same officers did conduct a very detailed site survey of their own, yet intentionally avoided engaging with the third-party land owner. In both cases, however, relevant information was withheld from the Inspector and public at a critical time in the examination process.

The pattern of local authority behaviour is very clear - in all instances, the actions taken and arguments presented by ESC and SCC, were only those advancing the proposal and any contrary views were ignored or suppressed. None of this has helped to build any trust with the community about the fairness and robustness of the process that has been carried out.

The maladministration is, we claim, that the Council has acted dishonestly by withholding relevant information and has now altogether lost the trust of the local community, making the decision-making process extremely inefficient.

In summary, we maintain that:

1. Key information was withheld from both the general public and Planning Inspector by ESC and SCC during the Local Plan examination that may have had a material impact on the assessed deliverability of the site.
2. ESDC and SCC demonstrated unequal treatment in terms of consultation and engagement with impacted landowners based on whether they would be supportive or not supportive of the proposal.

Accordingly, we request that our complaint be referred for internal review, and that appropriate remedies be considered that may restore the public trust.

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E mail dated. 15<sup>th</sup> January 2021.

From **Stephen Baker | Chief Executive** East Suffolk Council



Dear Mr Kendall

**Complaint reference CCCT286232742**

Your complaint regarding the Local Plan Examination process has been passed to me as the second and final stage in the Council's complaints process. I have now had an opportunity to consider the matter and have done so in association with Nick Khan, one of the Council's Strategic Directors with specific responsibility for Planning, as well as Philip Ridley. I confirm that I have seen all the correspondence and documentation in relation to this matter and have noted the contents of Mr Ridley's Stage 1 response to you dated 14 December 2020.

The Stage 1 response explained that the purpose of the Statement of Common Ground was not to set out the details of a final highways solution because this is part of the planning application stage. The Statement of Common Ground only confirms that a deliverable scheme is possible and the final version, agreed by East Suffolk Council, Suffolk County Council (as the Highways Authority) and the site promoter, shows road widening on Park Road as being '*roadside of existing hedge line*' (quote from the text box on Plan 1812-296-001E which forms part of the Statement of Common Ground). It also sets out that the Local Planning Authority and site promoter agree that '*through the course of the preparation and determination of a planning application, appropriate consideration will need to be given to any potential impacts upon Grundisburgh Hall Park related to provision of access*' (paragraph 9). The Council felt it appropriate to sign up to a Statement of Common Ground that reflected the status and policy afforded to Grundisburgh Hall Park which was clear that it would form part of the considerations at the planning application stage. As explained in the Stage 1 response, the Council was seeking to ensure that appropriate provision was made for the historic parkland and its position was, quite rightly, not to achieve access to the site 'at any cost'. As also explained in the Stage 1 response, any planning application proposing the removal of trees and hedgerows would need to be considered in the context of the relevant planning policies in the Local Plan.

In relation to the statement that a planning application on an allocated site cannot be refused, this is incorrect. Allocations in Local Plans determine the principle of development. When a planning application for development on an allocated site is submitted, this is considered and determined against the policies in the development plan and any other relevant material considerations, including the advice in Paragraph 11 of the National Planning Policy Framework which requires proposals in accordance with a Local plan to be determined without delay. Whilst the principle of residential development on land west of Chapel Road is supported by Policy SCLP12.51 of the Local Plan, this does not mean that any planning application for development on that site will be approved. If this were the case, the Local Plan would not need to contain the detailed policy criteria for allocated sites that it does. The Council has, in the past, refused planning applications and successfully defended subsequent appeals on allocated sites.

The Stage 1 response explained that the production of a Statement of Common Ground involves a number of iterations prior to reaching a position that all parties support. The final Statement of Common Ground contains a plan showing the widening on Park Road to be '*roadside of existing hedge line*' and this represented the agreed position of East Suffolk Council, Suffolk County Council and the site promoter. Whilst the removal of trees and hedgerows may have been proposed by the site promoter as a solution on an earlier plan (1812-296-001C), the Statement of Common Ground evolved prior to being agreed. As previously explained, it explains that detailed proposals would be appropriately submitted and scrutinised at the planning application stage. No decision was made by East Suffolk Council to 'avoid contact' with Fields in Trust. As has been explained, Fields in Trust would have been aware of the production of the Local Plan as a consultee on the Council's planning policy mailing list. Whilst Fields in Trust did not respond to the consultations this cannot and should not be taken as their agreement to any actions on land which is held in trust. The policy does not set out the detailed way in which pedestrian access could be provided because this is appropriately considered at the planning application stage and may or may not require the use of land that is not owned by the Highways Authority. I am aware that Suffolk County Council has responded separately to you on this matter.

The allocation was included in the Final Draft Local Plan and that representations received in relation to this were submitted as part of the evidence base to the Planning Inspectorate for Examination. The representations received in relation to the subsequent Main Modifications consultation (held as part of the Examination process) were also submitted to the Planning Inspector. These representations were considered by the Planning Inspector and not by the Council which is the correct approach. It is therefore not the case that the Council

ignored or suppressed any 'contrary' views that were submitted; these were correctly and appropriately submitted to the Planning Inspector for his consideration. Having considered the representations received in relation to the Final Draft Local Plan, and having held the hearing session in September 2019, the Inspector could have asked for additional or alternative information/analysis at that point had he wished. In response to the two points made at the end of your letter/email dated 20 December:

1. Key information was not withheld from the public or the Planning Inspector during the Local Plan Examination process that may have had a material impact on the assessed deliverability of the site.
2. The Council has demonstrated the necessary fairness in its engagement on the Local Plan throughout and in accordance with the requirements of its Statement of Community Consultation. The Local Plan Inspector found the plan sound having regard to the processes undertaken.

I am disappointed that you say the Parish Council has lost trust in the Council. I appreciate that you do not accept the allocation in its adopted form, but the process followed was correct and a sound decision has been made. The Parish Council has made representations on current planning applications and these will be fully considered by Planning Committee South in due course. I hope this resolves your complaint.

**What should I do if my complaint remains unresolved?**

You have now completed the Council's internal complaints process and since the Parish Council is a local authority constituted for the purposes of public service, you do not have the right to refer the matter to the Local Government and Social Care Ombudsman to review your complaint.

Yours sincerely

**Stephen Baker | Chief Executive**  
East Suffolk Council