



Appeal Decisions

Inquiry held on 21 - 23 January 2025, 4 – 6, 11 – 13 & 18 February 2025

Site visits made on 14 February 2025 (accompanied) & 20 January 2025, 21 February 2025 (unaccompanied)

by D J Board BSc (Hons) MA FRGS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2026

Appeal A Ref: APP/X3540/W/24/3350673

Land north-east of Humber Doucy Lane, Humber Doucy Lane, Ipswich, IP4 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Barratt David Wilson and Hopkins Homes against the decision of East Suffolk Council.
- The application Ref is DC/24/0771/OUT.
- The development proposed is Hybrid Application - Full Planning Permission for the means of vehicle, cycle and pedestrian access to and from the site. Outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works..

Appeal B Ref: APP/R3515/W/24/3350674

Land north-east of Humber Doucy Lane, Humber Doucy Lane, Ipswich, IP4 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barratt David Wilson and Hopkins Homes against the decision of Ipswich Borough Council.
 - The application Ref is IP/24/00172/OUTFL.
 - The development proposed is Hybrid Application - Full Planning Permission for the means of vehicle, cycle and pedestrian access to and from the site. Outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The inquiry heard two linked appeals for the site. The overall site crosses the boundaries of Ipswich Borough Council (IBC) and East Suffolk District Council (ESC).
4. Both applications are described as 'hybrid.' The outline planning application (with all matters reserved) is described as being for a mixed use development. Full planning permission is sought for the means of external access/egress to and from the site. The access points are shown on the access strategy¹ and would be located on Humber Doucy Lane and Tuddenham Road.
5. The decision notices issued for both Council's contain 11 reasons for refusal (RFR) in common. As such at the CMC the Council's confirmed their intention to work jointly at the inquiry, presenting witnesses for each reason in common. There were two issues specific to the Ipswich borough. These related to reason 3 (Humber Doucy Lane) and reason 10 (loss of sports pitches). In addition Suffolk County Council (SCC), as highway authority (LHA) and lead local flood authority (LLFA), confirmed that it would lead on evidence for the relevant issues at the inquiry.
6. At the inquiry the witnesses for the joint Councils (IBC & ESC) and SCC (Rule 6) addressed the relevant reasons for refusal. As such in this decision witnesses for the Council refer to those presented by jointly IBS/ESC and those for SCC are referred where they addressed relevant main issues.
7. In this decision I will refer to the appeal site as a whole. This is on the basis that the two appeals across the two local authority areas relate to a site that was in the main considered at the inquiry in its entirety. Where there is a specific issue which relates to one area only, I will make it clear in the reasons.
8. In advance of the inquiry additional information regarding highways and drainage matters was submitted. There was also discussion about the manner and timing of the provision of this information. Specifically that this has been piecemeal and it should in fact have come forward earlier to inform the scheme design. Local residents were concerned about the use of the appeal system to evolve the scheme². I can understand why this was raised. Nonetheless, the round table sessions were used to explain all the information and all present had a chance to make contributions to the inquiry. As such I am satisfied that there was no disadvantage to any parties.

Main Issues

9. Following the CMC and in advance of the inquiry opening Statements of Common Ground³ (SOCG) were received on the matters of heritage⁴, flooding and drainage⁵, ecology⁶ and air quality⁷. Therefore the Councils indicated they would

¹ CD AD210

² ID20

³ CDs SOCG1-9

⁴ CD SOCG3

⁵ CD SOCG5

⁶ CD SOCG8

⁷ CD SOCG7

not be defending IBC RFR6 and ESC RFR5, IBC RFR8, ESC RFR7⁸ subject to conditions, IBC RFR9 and ESC RFR8⁹ subject to conditions.

10. In addition to this when the inquiry opened SCC¹⁰ indicated that, subject to appropriate mitigation through conditions and obligation, that the principles for the access could be agreed and that the scope of the highways dispute had narrowed. This position evolved during the inquiry¹¹. However, in light of the issues raised by interested parties and in the interests of fairness, I heard highways and drainage matters through round table discussions. This was to ensure I understood all of relevant points raised by all participants at the inquiry¹². As such these matters are addressed in this decision.

11. The main issues in both appeals are:

- Whether the approach to the appeal scheme would provide a comprehensive and coordinated approach to development of the site (IBC RFR1, ESC RFR1).
- Whether the scheme would represent an appropriate quantum of development on the site (IBC RFR11, ESC RFR10).
- The effect of the scheme on the character and appearance of the area (IBC RFR4, ESC RFR3).
- Whether the scheme would make appropriate provision for green infrastructure (IBC RFR12, ESC RFR10).
- The effect of the scheme on the Stour and Orwell Estuaries, and Deben Estuary, designated European conservation sites (IBC RFR 7, ESC RFR6).
- The effect of the scheme on highway safety (IBC RFR3, IBC RFR2, ESC RFR2).
- Whether the scheme would be at risk from flooding, having particular regard to flooding and drainage strategy (IBC RFR5, ESC RFR 4).
- Whether the scheme would make appropriate provision for infrastructure (IBC RFR13, ESC RFR11).

Appeal B

- Whether the loss of sports pitches arising from the scheme would be justified (IBC RFR 10).

Reasons

Background and planning policy

12. The site that is subject of the appeals represents a cross boundary site allocation with part being in Ipswich and part in East Suffolk. Therefore the development plans applicable are the Ipswich Borough Core Strategy (IBCS) and East Suffolk Council's Suffolk Coastal Local Plan (SCLP).

⁸ CD SOCG2

⁹ CD SOCG7

¹⁰ ID3

¹¹ ID28, ID39, ID43

¹² ID4A, ID4B, ID5, ID6, ID7, ID15, ID18, ID20, ID23, ID24, ID28, ID38

13. These plans have site specific policies which relate to the appeal sites. These are IBCS policy ISPA4 and SCLP policy SCLP12.24¹³. The Rushmere St Andrew's Neighbourhood Plan (NP)¹⁴ is also part of the development plan and its policy RSA2 refer to land at Humber Doucy Lane. Its approach accords with the primary policies of the IBCS and SCLP.
14. There are also other relevant policies from the development plans including IBCS policies DM5, DM6; SCLP policies SCLP8.2, SCLP10.1, SCLP3.5, the IBC Public Open Space Supplementary Planning Document (SPD)¹⁵ and ESC Healthy Environments SPD¹⁶.
15. Whilst the development plan and SPD for each Council are applicable to the relevant site it was agreed that in both cases the policies from the adjacent authority are capable of being a material consideration. This was not a matter in dispute and is the approach I have taken in my consideration of the appeals.
16. It is agreed that IBC cannot demonstrate a five year housing land supply¹⁷. This position was updated following the close of the inquiry. The most recent position being that neither Council has a five year housing land supply¹⁸.
17. A Tree Preservation Order (TPO) for trees within the appeal site was served by the Council (IBC). This impacts on the trees that line the public right of way from Tuddenham Road to Laceys Farmhouse and Allens House and a single Oak tree in parcel A. I have no evidence that the appeal scheme would directly impact on the protected trees. Should further submissions be made to the Councils appropriate assessment and consideration can be made at that point if required¹⁹.

Whether the approach to the appeal scheme would provide a comprehensive and coordinated approach to development of the site (IBC RFR1, ESC RFR1)

Masterplan approach

18. The site was allocated in both the IBCS and SCLP²⁰. It has a specific allocation across both local plans which set out that overall development of the site should be planned and comprehensively delivered through master planning of the whole of the allocated site. It is set out that this should be undertaken jointly between IBC and ESC along with the landowner²¹.
19. The Council's witness fairly acknowledges that, taken alone, this issue would not justify refusal of planning permission for the scheme. The appellant²² characterises the issue as 'makeweight.' However, given the explicit policy references to master planning I do not consider that this terminology is an appropriate position to adopt. Nonetheless I am also of the view that it should be approached in a proportionate manner.
20. The Council presented a land use budget exercise as being the correct starting point to establish basic land use parameters. This is not an approach that is

¹³ CD DP1, CD DP2

¹⁴ CD DP3

¹⁵ CD SPD7

¹⁶ CD SPD6

¹⁷ Council's planning witness proof 4.15 page 17

¹⁸ ID52, ID53, ID54

¹⁹ ID52, ID53, ID54

²⁰ CD DP1 p43, CD DP2 p273

²¹ ISPA4, SCLP12.24

²² ID45 para 40

required by the development plan policies. Whilst I accept that it is one method of establishing how a site should be developed, I see nothing to suggest that the appellant is mandated to do this.

21. The Council's land use budget evidence produced an outcome that it suggested should have been part of an iterative design process. More specifically that this approach would include appropriate provision of Suitable Alternative Natural Greenspace (SANG) as well as meeting the policy requirements of DM6. This provides a 'potential alternative' scheme. However, this scheme is not before me for consideration. As such I do not intend to take any further the points of dispute between the parties over it as it would not have a significant bearing on my decisions. I have considered the schemes before me on their merits.
22. The Design and Access Statement (DAS)²³ clearly sets out the appellant's approach to scheme design. This demonstrates the process undertaken to get the appeal scheme to the stage it is. The DAS content and process was not challenged at the inquiry. The Council did challenge the absence of an illustrative masterplan as opposed to the illustrative landscape strategy provided²⁴.
23. The ESC Healthy Environment SPD²⁵ advocates a landscape led approach to scheme design. In this case this would require identification of the relevant open/green space requirements at the outset. The criticism of the appeal scheme is that it presents a housing led approach to design. ISPA4 is clear that 60% of the allocation within the Ipswich area should be housing. As such there is an inevitable tension between this and the SPD and in this regard, I struggle to see how the Council's criticism of the approach taken on this matter can be upheld. It seems fair to me that with a policy that advocates a landscape led approach and a policy that specifies a proportion of housing that to provide a landscape masterplan and a detailed DAS is in fact a proportionate approach to the issue. I would caveat that this approach in terms of what uses go where is acceptable. Whether the quality and quantum of the resultant scheme is acceptable in terms of other individual matters is acceptable remains to be determined. I address these matters under the other main issues.
24. Overall, there is not an absolute requirement in the applicable planning policy for a particular approach to master planning for the site. In preparing the application it is clear that the appellant has taken an overview and strategic approach through the DAS, landscape masterplan and framework plan²⁶. In particular with the DAS used to set high level principles and sets the framework for the reserved matters submissions. These could be taken forward using a design code approach.
25. My view is that this is one part of the assessment of the scheme as a whole and cannot be taken in isolation. The acceptability or not of the approach to scheme design turns on whether it would lead to tangible harm. On this matter I agree with the Council that this is not just a procedural point. That said whether the scheme would be harmful due to the quantum and layout remains to be considered under the matters of quantum, open space, green infrastructure and character and appearance.

²³ CD AD16

²⁴ CD AD17

²⁵ CD SPD6

²⁶ CD AD16, CD AD17, CD AD211

26. I therefore conclude on the in principle point about master planning that the scheme approach would be proportionate and acceptable. In this regard it would not be in conflict with IBCS policies DM1, DM12, ISPA4 (a), SCLP policies SCLP12.24, SCLP11.1 and NP policy RSA9.

Whether the scheme would represent an appropriate quantum of development on site (IBC RFR11, ESC RFR10)

27. The issue of housing versus other uses on the site is at the heart of the number of homes that should be provided. The appealed applications would, across the two sites, provide up to 660 homes. This is referred to in the planning statement as being about 60% of the site area which would technically accord with the wording of the adopted development plan policies. However, this is simplistic and would also rely upon the entirety of the allocation across both Council areas coming forward, the total numbers from the two plans being about 599 dwellings.
28. SCLP12.24 refers to 9.9ha of land being developed for approximately 150 dwellings in accordance with the land identified in ISPA4. The whole of this allocation is within the appeal schemes. ISPA4 refers to about 449 dwellings within the areas allocated in the plan. However, in this case the actual area within IBC that is applied for within the appeal schemes does not completely correspond with the larger area of 23.28 ha set out in ISPA4.
29. The increase in housing numbers potentially reduces the site area available for other requirements of the adopted policies. Nevertheless I note that the policies do not place a cap on housing numbers and indeed this was a point acknowledged by the Councils planning witness. As such there needs to be consideration of whether the provision of this number of dwellings on a reduced site area from that originally intended by the policies would lead to harm arising and consequent conflict with policies of the development plan.
30. The Councils have suggested that this is a mathematical approach and not what ISPA4 sets out. I do not think this is entirely fair as I set out in the previous issue the approach to the scheme development appears to be proportionate. However, as the further main issues set out, I have found that there are conflicts in terms of open space/green infrastructure, SANG provision, the rugby pitches/provision of playing fields that would indicate that at this point the quantum is not fully resolved. I am reluctant to state that the number proposed in the appeals would not be acceptable given the allocation in the development plans and the absence of a cap on numbers. Rather my view is that there has not been enough consideration of what is required to conclusively find that the amount is acceptable in these appeals. Therefore the scheme as presented would be in conflict with ISPA4 and SCLP 12.24.

The effect of the scheme on the character and appearance of the area (IBC RFR4, ESC RFR 3)

31. The appeal site would be positioned between the existing built development of Ipswich to the south and the open countryside to its northern edge. The site specific policies seek to address this through an appropriate and effective response to this context. In particular that the site would effectively form a

transition between the urban edge of Ipswich and the more rural character of East Suffolk²⁷.

32. The site acts as a transition and buffer to the wider countryside beyond, currently providing separation between the town and the surrounding villages. That said there was no dispute that the site allocation would lead to marked change in the site, from fields to containing built development. Indeed the Council's witness fairly acknowledge that if the development went ahead there would be a material change but that the allocations seek to drive improvement and also with a need to manage sensitivities.
33. The area of the site located within ESC is identified as being in the N2: Culpho and Westerfield Rolling Farmland landscape character area in the Suffolk Landscape Character Assessment²⁸. This is typified by the elevated farmland of the Fynn Valley and is an area of flat and gently rolling farmland. It is punctuated by mature oak trees and lined with ancient hedgerows. The key experience of the landscape is one of passing over the agricultural plateaus and down into the wooded valleys. Within the Settlement Sensitivity Assessment (SSA) Volume 1²⁹ the site is located within the area described as 'Land Northeast of Ipswich IP2' peripheral area. This covers the landscape area between the urban edge of Ipswich and the Fynn Valley to the north. It further highlights the importance of this peripheral area and the connection and transition between urban and rural.
34. The SSA identifies opportunities for the area. Specifically to integrate and soften the urban edge into the wider landscape. It also identifies the potential to connect the main urban area of Ipswich with the wider river valley landscapes. The SSA underpinned the evolution of the site specific policies which both highlight the requirement for provision of a soft edge to the urban area through provision of significant landscaping and the use of green infrastructure. The aim being to create an effective transition between the new development, the Ipswich urban edge and the wider rural landscape moving into the East Suffolk area. Both development plans contain a suite of applicable planning policies which refer to the design of new development and there are also supplementary planning documents that provide more guidance. In addition to this are the site specific requirements set out in the respective local plan allocations.
35. It was agreed between the landscape witnesses that moving north the site becomes increasingly more rural in character. The main area of disagreement in evidence focussed on the treatment of Parcel D on the northern edge of the site and its relationship with the wider countryside³⁰. The housing elements of both applications were made in outline. Nonetheless they were supported by a high level Landscape and Visual Impact Assessment (LVIA)³¹. This also identified that parcel D³² as being sensitive to development. The evidence to the inquiry revealed that there was no dispute on the LVIA methodology and that there is no dispute regarding the findings set out in the appellant's LVIA, with the exception of a point on VP12. Further the Council's landscape witness fairly acknowledged that no other LVIA had been provided.

²⁷ CD AD16, CD DP1 and DP2

²⁸ CD L2 p18

²⁹ CD L1

³⁰ CD AD2(2)

³¹ CD L4

³² labelled B in the LVIA

36. On VP 12 the Council's witness raised the position of the view, specifically being from the perspective of a road user and from a position where views would be less than other points on the road and as such the magnitude of change that would arise. In terms of impact I acknowledge that there would potentially be points on the road which would be more sensitive than others. Nevertheless, the transient nature of road use is such that I do not consider that this is so significant that it is material to assessment of landscape impact of the scheme nor would it alone warrant resisting the development of the site.
37. The evidence at the inquiry crystallised the issues and my understanding is that fundamentally the issue at stake is the amount of planting/buffer space that would be available across parcel D to mitigate the visual effects of the appeal scheme and provide a transition to the open countryside. The main concern expressed about the landscape buffers was about their width and that they would leave the built edge of the development too close to the countryside beyond. Linked to the issue of width is also how these spaces would be used. The main concern being that they would have multiple functions that would inevitably harm their effectiveness as a landscape edge.
38. The appellant suggests that the main tool for assessing landscape impact is the LVIA and reiterates that its methodology and findings are not in dispute. I understand this point and agree that this document and its findings point strongly to the visual impact of the scheme being acceptable. Or where there would be a visual effect that it would be capable of mitigation over time. In particular given that the site is allocated a degree of change would be expected and as such factored in when considering development on the appeal site. Nevertheless, both Councils have general and site specific policy requirements that relate to landscape impact which are not just about the provision of an LVIA but assessment of a whole scheme in its context. This allows for the judgement of the decision maker on this matter. I consider though that within that significant consideration should be given to the LVIA. As such this is the approach I have taken to consideration of the issue of the extent of the landscape buffer.
39. There is no numeric requirement within the applicable planning policies that relate to landscaping. As such I consider the key consideration to be whether the buffers would be effective is whether the position and components would be sufficient to provide an appropriate edge to the urban area created by the scheme and then separation and transition to the open countryside beyond. The evidence³³ identified areas where the buffer is described as constrained. These are to the north of parcel E1/E2, north and east of B1/B2 and north of parcel D. The scheme was accompanied by an illustrative landscape strategy³⁴. The scheme is outline in the areas where there is dispute regarding the adequacy of the buffer areas and consequently the landscape strategy.
40. Parcels E1 and E2 on their northern boundary primarily face onto arable field. The parcels have an existing boundary treatment formed from a large hedge. There was no dispute that this hedge could be reinforced, and it would be possible to achieve a significant depth of planting. Parcels B1 and B2 have a boundary which is currently defined by a belt of existing vegetation, none of which is proposed to be removed. In addition these parcels have a boundary with the existing

³³ Council's landscape witness fig 1 page 23 proof of evidence

³⁴ CD AD17

residential properties along Tuddenham Lane rather than open countryside. The existing boundary is clearly defined by a dense belt of vegetation which would not be removed if the scheme went ahead. Therefore for both of these areas I consider that the principles for provision of buffers would be acceptable.

41. Parcel D would meet the railway line at its northern edge. This in itself is a barrier between the appeal site and the countryside beyond. Whilst there is vegetation in the railway cutting I agree with the Council that this cannot be relied upon nor taken into account when considering the transition from the appeal site to the countryside beyond. However, more significant in my mind is the location of the railway line which, whilst below the level of the site, presents a clear break. Along the northern boundary with the railway and Tuddenham Road the existing vegetation provides glimpsed views across parcel D. If the scheme were to go ahead the change would be to glimpsed views of built form which along Tuddenham Road and taken with the vets and care home complex would not appear out of context. As such overall I consider that the principles for buffer zones shown on the parameter plans for parcel D would be acceptable.
42. The Council suggests that a meaningful woodland strip would be 10-15m in width. The policy approach outlines the need for a 'significant' landscape buffer but does not set out a numeric requirement. The other concern expressed was about the various components that would be accommodated within the areas around the perimeters of the site area. Whilst I understand the Council's reservations there is no numeric requirement in the site specific policies. Further within the illustrative details submitted the appellant has shown sections which demonstrate that things such as drainage could be sensitively accommodated in a manner that would not compromise the function as a buffer.
43. Parcels A1 and A2 would be positioned where the scheme would front Humber Doucy Lane. The set back from the site boundary to the position where there would be built development would vary. The frontage to Humber Doucy Lane would contain the access points for the scheme³⁵ which is submitted as a full element of the hybrid application and as such detailed plans are provided. The scheme would include the provision of new hedgerow to complement existing together with tree planting. There was no dispute that an appropriate response would be to introduce meaningful new planting that would strengthen the existing character of the road and a form of succession for the oaks located along the southern side and whether the appeal scheme would allow sufficient space for this to be achieved.
44. Humber Doucy Lane is described as being tree lined and exhibiting the character of an avenue with trees. However, the existing frontage of the appeal site to Humber Doucy Lane, where the access points would be placed, is characterised by a significant hedgerow not trees. The opposing side of the road contains some street trees but has a more suburban character. As such I do not consider that the scheme should necessarily need to provide substantial trees. It would be appropriate to ensure that the frontage maintains the softer hedgerow appearance where possible. This area will also mark a transition from the existing housing across the road and into the site. In this context I consider that the access strategy shown would be acceptable in landscape and visual terms.

³⁵ Appeal B

45. Overall the main tool to assess the landscape effects of the scheme is the LVIA in combination with the requirements of the development management policies in the local plans and site specific policies. The scheme for housing elements was made in outline, and the parameter plans make it clear where housing would be located. Therefore, I consider that the scheme would not harm the character and appearance of the area. They would not be in conflict with SCLP policies SCLP10.4 & SCLP12.24, IBCS policies ISPA4, DM12, DM5, NP policy RSA2 in this regard.

Whether the scheme would make appropriate provision for green infrastructure (IBC RFR12, ESC RFR10)

46. The requirements for the provision of open space in new development are set out in the development plan and accompanying supplementary planning documents. Specifically IBCS policy DM6 Appendix 3 table 9³⁶; SCLP Healthy Environments SPD³⁷ which builds on policy SCLP8.2³⁸. ISPA4 sets out clear requirement for the provision of infrastructure. Part (iii) sets out the SANG requirement and part (ii) a requirement to comply with the Council's open space standards.
47. The appellant raises the SPD being applied across the board potentially constituting an error of law. However, matters of assessing the quantity and quality of the green infrastructure and alongside this as SANG are also referred to by both advocates as being a matter of judgement for the decision maker. Given the complexity of the site being cross boundary and there being different policy positions the inquiry heard about the more onerous of those positions for the appellant, which would be applying the IBC standards across the whole scheme³⁹. In this context I have applied my judgement as to whether it would be an appropriate provision or not. To my mind within this it is appropriate to consider the SPD as a relevant material consideration.
48. DM6 seeks to meet the needs of the occupiers of the new development. More specifically it clearly expresses a preference for major schemes to make provision on site where practicable. The wording of the policy is not absolute, but it is clearly driven by evidence of need on the size and location of existing provision and prioritising what needs should be met by a particular scheme. There was no evidence put to me that it would not be practicable to make appropriate provision on site. As such the starting point to compliance with policy is on site provision of appropriate typologies.
49. Inextricably linked to this is the provision of SANG because as submitted the open space provision and SANG would be site wide. The DAS⁴⁰ sets out that the provision of open space within the appeal proposal would be 11.44ha. This amount would be intended to address the needs arising directly from the development for future residents and also make SANG provision. Within the provision not all of the typologies required to comply with DM6 can necessarily be included in SANG as well. This is because they would not be compatible with this provision.

³⁶ CD DP1

³⁷ CD SPD6

³⁸ CD DP2

³⁹ ID45 para 175

⁴⁰ CD AD16, Table 9, pg 115

50. I am mindful that the Councils consider that there would be a numeric shortfall against policies of both development plans when looking at both open space and SANG together. However, the Council's evidence on amount⁴¹ acknowledges that in numeric terms that the 11.44ha would meet the requirement of DM6. The issue is about types of space and then the conflation of SANG requirements. However, for simplicity I have disaggregated the matters of open space from SANG for this part of my decision to purely a matter of policy compliance having regard to what is shown on the parameter plans. My findings on SANG and indeed whether the areas can have an effective dual use are set out further in the decision.
51. The critical issue for the site as a whole is how the amount of open space should be calculated. The difference in approach is that the appellant has effectively deducted the typologies considered to be in surplus from the total provision. On this point I agree with the Council that on a straight read this is not how the policy is intended to operate. The consideration is more nuanced requiring an understanding of quantum for various typologies and then further consideration of whether they could or should be provided on site, a consideration of quality. All of this then would lead to a final package of provision which could be all on site or a combination of on site, off site and/or planning obligation provisions.
52. In terms of quality and typology the dispute focussed on provision for outdoor sport and allotments. These are the typologies that the appellant omits from consideration of quantum. This is on the basis that there is a surplus of these locally. Appendix 3 to DM6 provides standards to be met and also an accessibility standard for each of these types. What is unclear from the evidence is whether there is a site specific or local need for the typologies that the appellant has essentially omitted.
53. The Council's closing⁴² offer a way forward should the totality of the required provision not be possible on site. It seems that it would be possible to consider which typologies should be on site, address SANG and also consider off site and/or financial contributions and alternatives to onsite provision. However, this is not an exercise that appears to have been undertaken, nor does it form part of the scheme before me. Therefore without any specific information on these matters and how the overall amount and/or package could be adjusted to address the omitted typologies and the associated accessibility criteria for allotments in particular there would be conflict with IBCS policy DM6, SCLP12.24, SCLP3.5, SCLP8.2, SCLP11.1 and NP policies RSA9 and RSA11.

Whether the loss of sports pitches would be justified [Appeal B, IBC RFR 10]⁴³

54. This issue was only in dispute for Appeal B and in the decision taken by Ipswich Borough Council⁴⁴. The approach to replacement sports provision for the appeal sites is set out in policy ISPA4 f) (ii). This is that the site should provide replacement sport facilities if required to comply with IBC policy DM5.
55. The terms of ISPA4 do not specifically require the provision of a new rugby pitch. In this case there is a site specific provision in the site allocation policy. It sets out clearly that development of the site would need to comply with it. Part f) (ii) sets out the need for *'Replacement sports facilities if required to comply with policy*

⁴¹ Councils planning proof of evidence para 5.140

⁴² ID42 para 117

⁴³ ID25, CD APD06

⁴⁴ Council planning proof of evidence

DM5..., the key being if required. If it is required, then there is also dispute regarding what the alternative and improved provision referred to in the policy should be.

56. The first principle of DM5 is whether as a result of the development there would be a loss of open space, sports or recreation facilities. This would need to be the case for the policy to bite. It was common ground that for this case that due the way the policy operates that compliance with DM5 would be about fulfilling DM5 (b). As such the appeal scheme should be assessed on whether alternative and improved provision would be made in a location well related to the users of the existing facility. I agree with the Council's position that DM5 (c) would not be applicable as this is not a scheme for the re development of an existing sport or recreational facility.
57. The existing facilities that would be within the appeal site are two pitches that which fall within parcel E of the appeal site, within the land allocated in the Ipswich Local Plan area. These are currently in use by Ipswich Rugby Club and described as 'practice pitches.' In cross examination the Council did not dispute that the use of the land for sport (rugby) is on land that the club does not own and that the use does not have planning permission in place. Nonetheless, the existing use of the land is by the rugby club for sports. This is not disputed and, in my view, whether the club owns the land or not does not alter this position. These would be lost if the scheme went ahead and therefore DM5 applies.
58. A representative for Ipswich Rugby Club attended the inquiry. It was explained to me that they currently use five grass pitches, two of which are flood lit. They also have training areas, a clubhouse, car park and storage. The pitches are used from September through to the end of April each year, mainly on Saturday afternoons and Sunday mornings with women's rugby on a Sunday afternoon. Other activities such as pitch maintenance and preparation take place around this.
59. There is no dispute that the existing site is used by Ipswich Rugby Club. The first point to consider is whether the terms of DM5 in fact require the alternative provision to be for the same sport. The facility that would be lost would be two pitches and based on their documented use. If the scheme went ahead these two pitches would be lost and the replacement provision proposed would be a MUGA. Sport England's approach⁴⁵ appears to suggest that compliance with ISPA4 f(ii) would require the provision of 2.7ha of replacement sports facilities on site. However the Council's evidence to the inquiry is that this is not specifically what the policy is seeking. There is also some agreement that the consequence of this level of provision could be less homes being built on this allocated site and so it is not pursued. I agree with the Council that it is not an appropriate approach.
60. The supporting text to the policy sets out that the open space and recreation strategy should inform consideration of where/what alternative provision under DM5 might be appropriate. However, I am aware that in response to my questions I was advised that this is considered to be out of date by Sport England. They take the view that whilst the appellant's open space assessment to support the application may refer to a surplus of sports pitches it is not an evidence base. Further they contend that there remains a need to protect playing pitches and that the appeal scheme should make provision for outdoor sport pitches/facilities such

⁴⁵ CD APD6

as playing fields. The appeal scheme does not propose any outdoor sports facilities such as playing fields.

61. The site specific policy refers to re provision if required to comply with DM5. The aim and purpose of DM5 being to protect existing sport and recreation facilities. One means of complying with that policy being to provide alternative and improved provision. I understand that the existing users of the facility, which would be lost if the scheme went ahead, are rugby players. The evidence from Ipswich Rugby Club demonstrates that the pitches are generally well used. However, I have no specific information where these users are based in relation to the site location. Sport England describes Ipswich Rugby Club as one of two main rugby clubs in the Ipswich area. They club did not advise me that the membership was in any way limited to a specific area in or around the site. Indeed the submission made to the inquiry refers to the use of other facilities in the Ipswich area. It also states that the club works within Ipswich and the wider area.
62. The MUGA provision would clearly not be a like for like replacement for the existing rugby pitches. It would provide a different facility that would not be solely for use by the Rugby Club. The club do not consider that the MUGA shown in the appeal scheme would be acceptable as an alternative for them. It could not necessarily accommodate all of the times and numbers involved in the clubs current activities across the pitches that would be lost.
63. DM5 and ISPA4 on a straight read do not require specific re provision for rugby. Nevertheless, that is the existing use on the site and should be taken into account in a strategy for re provision to comply with the development plan. The MUGA, whilst multifunctional, would be smaller than the existing facilities and would not necessarily represent an improvement given that there would be no certainty of a direct package of measures that would meet the needs of the Rugby Club. On this point the Council acknowledge that to date there has not been consideration of offsite measures including monetary contributions either. In fairness to the appellant I do not consider that a fair read of the policies would necessitate the like for like approach that the Council advocate. However, it is clear from the direct evidence of the Rugby Club that as presented the MUGA would not meet its needs. As such whilst the scheme would offer an alternative this would not be an improvement. As such DM5 (b) would not be complied with and in turn neither would ISPA4 f) (ii).

The effect of the scheme on designated European conservation sites (IBC RFR7, ESC RFR6)⁴⁶

64. There is no dispute that the appeal site is within the zone of influence and the recreational disturbance impacts arising from the scheme, in combination with other plans and projects, may give rise to an adverse effect on the integrity of several nearby European sites⁴⁷. The relevant protected sites are the Stour and Orwell Estuaries SPA and the Stour and Orwell Estuaries Ramsar Site, the Deben Estuary SPA and Deben Estuary Ramsar Site and the Sandling SPA. Impacts would be from recreational disturbance and more specifically bird disturbance in and the potential trampling or destruction of habitats.

⁴⁶ CD AD30, SOCG9, CD B12, CD B16, CD B20, CD B21, CD B22, CD B23

⁴⁷ SOCG9 para 1.5

65. The policy requirement in ISPA4 (f) (iii) is unambiguous. When applying the SANG standards it is necessary to be satisfied beyond reasonable doubt that the open space would provide effective mitigation. In particular that it would function so as to dissuade a sufficient number of people from visiting the European Protected Site for recreational purposes. The payment of the RAMS tariff and existence of off site walking routes in the vicinity would not be sufficient to avoid adverse impacts on the integrity of the European Protected Sites⁴⁸. As such the provision of onsite mitigation would also be required.
66. The site specific policy does not put a figure on the quantum of SANG that would be required on the appeal site. Natural England Guidance⁴⁹ and the Healthy Environment SPD⁵⁰ set out that SANG should be calculated at a rate of 8ha per 1000 people. The Council's position is that for the number of dwellings proposed this would lead to a requirement of 12.67ha. Nonetheless the Council was willing to agree to a figure of 11.5ha. This is based on taking into account the availability of off site mitigation measures and the views of Natural England, who agree this figure is reasonable⁵¹ and that this is part of an overall mitigation package for the site and delivered to an appropriate quality.
67. The Habitats Regulation Recreational Avoidance and Mitigation Strategy for Suffolk⁵² covers ESC and IBC and assessed the impact of implementing local plan policies on European Sites. The appeal site is included in policies in both local plans. It is clear that the delivery of SANG is one of the appropriate forms of mitigation for residential sites where the HRA process identifies that it is necessary to avoid an adverse effect on the integrity of a European Site. The mitigation package should fully address the impact.
68. I appreciate that ESC has no policy requirement to deliver SANG. However, IBC does and more importantly the site specific allocation⁵³ is explicit on this point. These are significant material considerations for the ESC portion of the overall site. Therefore I consider that it would not be appropriate or indeed proper planning to exclude the ESC site area from these considerations. Moreover I also consider that when taking the allocation as a whole it is also appropriate to consider the content of SPD6.
69. There is no agreement on the amount of space that would be delivered or what it would deliver in terms of quality as SANG. Whatever the figure, noting respective positions, there remains the issue of whether it could be delivered to a sufficiently high quality to function as HRA mitigation. It was agreed that the main typology to deliver effective mitigation would be natural and semi natural green space.
70. The policy reference for the quality of SANG provision is set out in the ESC Healthy Environments SPD⁵⁴. This sets out a range of essential, desirable and gold standard criteria for SANG⁵⁵. Natural England also have clear guidelines for the creation of SANG⁵⁶. Both documents are material considerations. SANG is

⁴⁸ XX of Appellant's witness day 6

⁴⁹ CD B21 p.4

⁵⁰ CD SPD6

⁵¹ CD B16, B17

⁵² CD B20

⁵³ ISPA4

⁵⁴ CD SPD6

⁵⁵ CD SPD6 table 15

⁵⁶ CD B21

defined in the IBCS glossary with reference to effectiveness⁵⁷. As such it is necessary to consider if the greenspace provided could fulfil that function. The appellant also relies upon the fact that assessment of effectiveness is a matter of judgement for the decision maker and what constitutes SANG can vary dependent on the specific circumstances.

71. It is imperative to consider whether the effectiveness of the onsite recreational mitigation measures is such that adverse recreational impacts on the European Sites can be ruled out. It is clear from what I heard at the inquiry that the typology is seeking to make provision which would create a feeling of naturalness and create spaces with a sense of nature immersion. An example of this is provided in the appellant's evidence⁵⁸.
72. Therefore I consider that to determine whether adverse effects on integrity can be ruled out I am required to consider whether the onsite green space, together with other element of the mitigation package, provide the recreational opportunities that combine to function in a manner to divert recreational trips that might otherwise have been expected to have been undertaken at the European sites.
73. The inclusion of SANG in the open space provision relies on the typologies providing recreational spaces that are both suitable for onsite recreation and also provide mitigation that would attract people to those spaces rather than the European sites. The use of the green spaces across the appeal site as a whole was considered in detail at the inquiry and in the evidence. In particular the functions and uses that may need to be accommodated within these spaces and whether this is acceptable. The policy position set out for ESC and which I consider to be a significant material consideration for IBC is set out in CD SPD⁵⁹. This is explicit that the primary purpose of SANG is to relieve the recreational pressure on ecologically sensitive European Sites. This is done by providing a highly attractive and high quality offer close to peoples homes such that they would be less likely to visit the European site for activities such as dog walking.
74. My understanding is that the appellant relies on the quantity of what they describe as natural and semi natural green spaces in the scheme to act as SANG. There is nothing to automatically exclude dual use of the areas per se (the main example being drainage). However, this requires careful consideration of the resultant quality. It is clear that some of these areas could create spaces that could potentially accord with the Tier 2 SANG criteria. I am also mindful that the site overall would provide significant recreational routes for walking and some cycle connection. However, the reliance in and around the blocks of development would be fragmented thereby diminishing its effectiveness as SANG mitigation.
75. The site location allows for connection to existing public rights of way and quiet lanes in and adjacent to it. The scheme has carefully considered these connections⁶⁰. There is no dispute that these connections and routes would provide a range of options for future residents⁶¹. The illustrative landscape strategy shows two points of connection. For a scheme of this scale I am not satisfied that this would open up the wider connections easily to the whole development.

⁵⁷ CD DP1 pg253

⁵⁸ Proof of evidence Mr Self figure 3 page 32

⁵⁹ p16

⁶⁰ offsite walking routes plan Appendix 4 to Dr Marsh's proof

⁶¹ SOCG 9

76. The NE guidelines and ESC SPD also provides clear guidance for the location and layout of SANG to make it as accessible, attractive, relevant and valuable to the community as possible. I have no detail in the evidence before me that addresses the approach to where SANG would be best positioned and provided. In addition as there is not a critical mass of SANG shown or provided, I am not satisfied that the provision would be easily accessible for all parts of the development.
77. Overall I consider that the numeric provision, which ever figure is used, could in theory address the requirement and would not conflict with the position of Natural England. In addition the offsite environment around the site would undoubtedly be of benefit if better connected. However, I consider that the areas to be provided due to fragmentation and the absence of a strategic approach, would not be effective as SANG, such that it would not function in a manner that would avoid and/or mitigate likely significant effects on integrity of the European sites.
78. I am dismissing the appeals for other reasons. However, given my conclusion on SANG quality I would not be able to conclude that the scheme as presented would provide effective mitigation for the adverse effects that would arise to the integrity of the European sites. As such an adverse effect on the integrity of a European site cannot be ruled out and I cannot grant planning permission unless there are imperative reasons of overriding public interest, which do not arise in this case.
79. Therefore the scheme would conflict with IBCS policy DM8, ISPA4 (f) (iii), SCLP12.24 (j) and SCLP10.1 and is a strong reason for refusing planning permission.

The effect of the scheme on highway safety (IBC RFR2, ESC RFR2)⁶²

80. The Local Highway Authority (LHA), Suffolk County Council (SCC), were an active party in the inquiry, having Rule 6 status and addressing the reasons for refusal directly attributable to its specialist advice. The SCC closing submissions confirm⁶³ that all of the technical highway matters that initially led to reason for refusal were capable of resolution and/or could be addressed through the use of planning conditions and obligations.
81. The remaining point in dispute between SCC as LHA and the appellant on highway matters relates to the provision of highway improvements to Sidegate Lane and Sidegate Lane West. Specifically if these matters can be satisfactorily addressed through use of planning conditions or a planning obligation to make the scheme acceptable. The main difference between the parties is whether a shared footpath/cycleway would be necessary (Option A) or whether a 2m footway would in fact suffice (Option B).
82. LTN1/20⁶⁴ sets out the appropriate local standard when considering this issue⁶⁵. this sets out that, based on traffic volumes and speed limits on Sidegate Lane, that a protected space for cycling would be justified. The reason for this being a protected space would be necessary to provide a safe space for cycling off the main carriageway.

⁶² CD SOCG4, ID28

⁶³ ID43

⁶⁴ CD HW03

⁶⁵ figure 4.1, reference to SCC Highway Proof 6.62-6.71

83. ISPA4 part (v)⁶⁶ sets out relevant transport measures for the appeal site. This is clear that there is a need for the provision of walking and cycling infrastructure that would link the appeal site to key social and economic destinations. This would include Ipswich town centre as well as local services and facilities.
84. Sidegate Lane would be a key route between the appeal site and other destinations. If the appeal scheme were to be built out it would directly lead to an increase in pedestrians and cyclists in the locality. The fundamental aim and purpose of the Councils policies seek to encourage walking and cycling. As such I consider that the requirement to provide a route that would be suitable for most users and that accommodates both walking and cycling would be both necessary and reasonable⁶⁷. This is based on the evidence presented to the inquiry regarding importance of the route, its use and speeds along it. This should be secured in a manner such that it would be made available for use prior to occupation of the scheme. I am satisfied that this could be done through the use of a Grampian style planning condition.
85. In this regard the disputed matters between the main parties would not lead to harm to highway safety arising from the scheme. I am aware that whilst these matters may have been resolved between the main parties that, in some cases, they remain points of concern for local residents and councillors who addressed the inquiry. Therefore I will address these in turn as put to the inquiry by those parties further in this decision⁶⁸.
86. The site has been subject to modelling using a method agreed by the LHA. It has been proven that technically there would be no capacity issues if the scheme went ahead. As such in terms of policy there would not be severe impacts on the highway. I appreciate that residents remain concerned. However, some of the issues they refer to are outside of the scope of the scheme. The appellant has considered mitigation requested to by the LHA. At the round table session it was explained that a suite of conditions that would secure appropriate highway works⁶⁹. The appellant has also engaged with Network Rail and provided information regarding the level crossing⁷⁰ and impacts arising directly from the development. Network Rail did not object to this information, and I have no reason to disagree.
87. I therefore conclude that the scheme would not have a harmful effect on highways safety. As such it would not be in conflict with IBCS policies ISPA4 (f) (v), DM21, DM12, DM18, SCLP 12.24 and SCLP 7.1.

Whether the scheme would be at risk from flooding, having regard to the submitted drainage strategy (IBC RFR5, ESC RFR4)⁷¹

88. The LLFA had previously identified that there were nine areas that required addressing in order to resolve its concerns about the drainage strategy⁷². Further information provided addressed four of these points⁷³. In addition to this a revised

⁶⁶ CD DP1

⁶⁷ Option A, Annex A ID28

⁶⁸ ID28, ID31

⁶⁹ ID47, ID48

⁷⁰ Mr Hassel proof 7.17, 7.18, Appendix 14

⁷¹ ID09, CD DP2, CD DP1, CD, DG2, CD SOCG5

⁷² SC2 Appendix 1 SCC SOC

⁷³ SC2 6.44-6.45, CD SOCG5, Appendix B SCC Drainage proof 2.1

drainage strategy plan⁷⁴ was submitted which addressed further points raised by the LLFA⁷⁵. The position of SCC is that, subject to the imposition of appropriate conditions, that the drainage strategy would be acceptable. As such the scheme would not be at risk from flooding.

89. The appealed applications were in outline form, except for access in appeal B. Nonetheless the drainage information should demonstrate that the scheme could be developed without leading to an increase in flood risk. In addition that it presents a strategy that would be compliant with local and national policy.
90. The relevant guidance is contained in the Suffolk Flood Risk Management Strategy Appendix A, Sustainable Drainage Systems, A Local Design Guide 2023. The site is located in flood zone 1. As such the key issue is whether the surface water drainage strategy provides sufficient information to demonstrate that it would be acceptable.
91. At outline stage the scheme has now met all of the minimum requirements of the LLFA to ensure that going forward to reserved matters stage that a suitable detailed scheme would come forward. In particular noting that conservative/worst case values have been adopted. This would allow for further refinement at detailed design stage. The strategy would conform with the parameter plans.
92. I am aware that local residents who addressed the inquiry remain concerned about drainage in the area. In particular reliability of connection, impacts to nearby sites and impacts to the water table. It was explained at the round table session that the scheme would follow a drainage hierarchy. It would utilise a greenfield run off rate and control flow off site. The design approach would utilise swales and a plan for storm events, including a Sustainable Drainage System (SUDS) treatment train. In addition Anglian Water have raised no objection to the scheme.
93. Therefore I am satisfied that the drainage strategy would be acceptable and consequently the scheme would not be at risk from flooding. As such it would not be in conflict with IBCS policy DM4, SCLP 12.23 (b), SCLP 9.6, NP policy RSA9 (e).

Whether the scheme would make appropriate provision for infrastructure (IBC RFR13, ESC RFR11)⁷⁶

94. At the inquiry it was established that contributions for transport, waste and s106 monitoring were agreed. The provision for early years required by ISPA4 f (i) and SCLP 12.24 was also agreed⁷⁷. The remaining areas of dispute relate to secondary school, sixth form, Special Educational Needs and Disabilities (SEND) provision and library contributions. The need and justification for the contributions are provided by SCC (R6) and the joint Councils⁷⁸.
95. Policy CS17 of the Ipswich Local Plan⁷⁹ sets general policy requirements for the scheme to meet on site and off site infrastructure requirements to support the

⁷⁴ CD APD1

⁷⁵ SCC 1.2 para 33

⁷⁶ CD DG3, SCC Planning proof section 8.0, CD SOCG6, CD OT10

⁷⁷ ID28, CD SCOG 6 para 3.1

⁷⁸ CD OT10, CD OT11, CD OT12, CD OT13, CD OT14, CD OT18, CD OT27, SCC 1.1

⁷⁹ CD DP1

development and mitigate its impact. More detailed guidance is provided in the Section 106 Developers Guide to Infrastructure Contributions in Suffolk⁸⁰.

*Secondary school provision*⁸¹

96. The appellant says there is no need for a contribution as capacity will be available. SCC has provided a demonstration of the need for secondary schools which it considers would arise directly from the development going ahead. The additional capacity it is seeking would be a pupil yield of 99 for the development.
97. The appellant's position of no contribution is predicated on two key factors. These are that there is a falling birth rate and pupil movement. That is that there are currently pupils from the south of Ipswich using schools to the north. I appreciate that these may well be general trends. However, I have no certainty that their impact specifically on the appeal scheme would be to free up places at the schools in question when the appeal scheme comes forward.
98. As such the appropriate approach to meeting the need from the scheme itself, calculated using the Department for Education (DfE) methodology, is to secure funding for the places that would be needed. Therefore, I consider that this would be necessary to make the development acceptable in planning terms, directly related to it and fair and reasonable in all other respects.

*Sixth form provision*⁸²

99. SCC has based the requirement for this contribution on pupil yields. This was explained to me in detail at the round table session. I also heard about the variations across Suffolk regarding proportions of students going to sixth form, with the need in the locality of the appeal sites being at the higher end of the spectrum. The nearest sixth form providers do not have any surplus places. As such SCC requires contributions to mitigate the impacts arising directly from the development.
100. The appellant's position on this was that 'some' capacity will be available and therefore they should not provide a contribution. They also challenged the SCC application of the DfE multiplier and the need for improved high level guidance for Suffolk. In addition there was some concern about the manner in which SCC have considered the provision, given the main provision for sixth form in Ipswich is in the north east.
101. I note the points made, however, again this is a case of meeting needs that would arise directly from the development. In the locality it has been demonstrated by SCC that take up for sixth form is high and that the existing provision is under pressure. Therefore, I consider that the contribution would be necessary to make the development acceptable in planning terms, directly related to it and fair and reasonable in all other respects.

*SEND*⁸³

102. I heard at the round table sessions that SCC has their own data on this issue rather than using DfE figures. The reason given for this was because the DfE

⁸⁰ CD DG3, CD DG3.2, CD DG4

⁸¹ CD DG3.2

⁸² CD DG3.2

⁸³ CD OT29

calculations were based on a small sample of pupils and as such it was not possible for it to be accurate. In Suffolk SEND demand has increased steadily over the past eight years. SCC has looked carefully at the figures in Suffolk at the moment in order to calculate yields for new development. The appellant's position is that no contribution is justified.

103. The appellant's⁸⁴ arguments focus upon a general falling population trend. In addition it is suggested that those who would need the SEND provision may already be in the county and as such it would not be a new provision. The final point raised seemed to imply that because not all those who need support are placed in Suffolk that this would absolve the appellant from making a full contribution. These propositions are however generic in nature and ignore the fact that new development will generate a requirement and need that should be met.
104. I therefore conclude that the contribution would be necessary to make the development acceptable in planning terms, directly related to it and fair and reasonable in all other respects.

*Library contribution*⁸⁵

105. SCC is seeking a per dwelling contribution towards dwellings that fall within the Ipswich Borough⁸⁶. The appellant says no contribution would be required. The scheme would provide new homes and consequently this would give rise to additional demand on the library services. The strategy for this scheme would be to address this through enhancement to the current provision rather than provision of a new library in the locality.
106. The local plan policy supports enhanced provision. This is supported by the Library Services in Suffolk Needs Assessment⁸⁷. My understanding of the appellant's position is that the need has not been evidenced. Further it was suggested that there would be no need as the scheme would not be providing for new or additional residents but rather the existing population.
107. The Council's provided a position statement on libraries⁸⁸ which confirms the objectives of the library service. This would be to enhance and support the existing library service and provide a full range of services to serve residents. The scheme would provide new homes and occupants of those dwellings who would be potential users of the library services. The appellant's suggest that this would not be new residents but those moving within Suffolk. This is far from certain, and the appropriate policy does not refer to this being an exception. Therefore overall I conclude that the contribution would be necessary to make the development acceptable in planning terms, directly related to it and fair and reasonable in all other respects.
108. Overall, the final planning obligation makes provision for these infrastructure requirements to be provided if I conclude that they are CIL compliant. However, the appellant's position was not to make provision at application stage. I am mindful that had I recommended the appeals be allowed that the blue pencil clause

⁸⁴ Mr K proof 4.57-4.71

⁸⁵ CD DG3.3, CD OT12, CD OT26, CD OT27, CD OT28

⁸⁶ Policy DP1 pg 231, table 8A, pg 217

⁸⁷ CD OT14

⁸⁸ ID30

in the obligations would bite allowing compliance with policies ISPA4, CS8, CS12, CS16, CS17, DM8, DM21 and SCLP 12.24.

Other Matters

Heritage⁸⁹ (IBC RFR4, ESC RFR3)

109. The issue of heritage is no longer a matter in dispute between the main parties. Nonetheless there are heritage assets close to the appeal site, and I have a statutory duty to consider them. The heritage assets are Allens House and Lacey's Farmhouse (These are designated Grade II).
110. The listed buildings referred to would be on the periphery of the appeal scheme. There is agreement that the scheme would alter how these assets are experienced and consequently the significance of them would be affected. The main parties consider that the harm to the significance of the assets would be a 'low level of less than substantial harm'. I have no evidence that would lead me to a difference conclusion.
111. There would also be public benefits arising from the scheme. Delivery of housings, including affordable homes, economic benefits, open space and accessibility to it that redeveloping the site would bring forward. Taking all this together would be sufficient to outweigh the identified harm in this case. As such heritage impacts do not provide a clear reason for refusing permission. I therefore conclude that the scheme would not be in conflict with IBCS policies ISPA4 (c), DM12, DM13 and SCLP12.24 (i), SCLP11.3, SCLP11.4 which seek to preserve and enhance the heritage assets of the borough.

Parking, railway bridges, loss of farmland, ecology

112. The development would make provision for parking within the site area for new dwellings. Overall it would be able to make provision for new dwellings in an appropriate manner, subject to layout being agreed in detail. As such there would be no reason to resist the scheme on this matter.
113. Residents referred me to concerns about railway bridges in the locality, which are off site but were pointed out to me as part of the accompanied site inspection. The concerns related to vandalism and antisocial behaviour. The bridges are located outside of the appeal sites and as such I cannot attach weight to this matter.
114. Concern was raised regarding the loss of farmland and in particular the issue of food security in Suffolk. This was not a ground on which either Council sought to resist the scheme. I have no substantive evidence on the matter and do not consider it would be a ground on which to resist a scheme on an allocated site.
115. Access to healthcare and pressure on GP services was also raised by local residents. The appellant acknowledges the need to address any need arising directly from the scheme. The planning obligation⁹⁰ makes provision for a healthcare contribution. Therefore there would be no policy conflict or reason to resist the scheme on this issue.

⁸⁹ CD SOCG3

⁹⁰ ID49

116. The effect of the provision of new homes on the wider Fynn Valley habitat and in particular bats and owls was raised. Survey work⁹¹ has been undertaken. It addresses dormice, bats, great crested newts and reptiles. Where required further survey work will be secured and a construction environmental management plan and landscape environmental management plan are recommended along with a sensitive lighting scheme and mitigation for breeding birds. Therefore, overall, I am satisfied that the scheme would not have an adverse effect on ecology.

Planning balance and Conclusions

Appeal A

117. The scheme would lead to less than substantial harm to heritage assets, this would be at the lower end of the spectrum of harm. Whilst the public benefits would outweigh this the harm attracts considerable importance and weight.

118. I have found that the proposed development would not have a harmful effect on highways safety and drainage subject to the imposition of suitable conditions or planning obligations. In terms of the approach taken by the appellant to master planning I consider that it is proportionate and would not be in conflict with the development plan. In terms of provision for infrastructure I consider the requirements that were in dispute are in fact necessary to make the scheme acceptable. Table A of the planning obligation would therefore be in play and consequently there would be no development plan conflict on this point. In addition there would be no harm to the general character and appearance of the area.

119. However, the approach to the provision of green infrastructure would be in conflict with the development plan. The approach to provision of SANG would also be harmful and a strong reason to resist planning permission. Taken together these matters lead to my finding that the quantum of development would not be acceptable. On these matters the scheme would be in conflict with the development plan and in particular policies SCLP12.24, SCLP 3.5, SCLP 8.2, SCLP10.1, SCLP11.1.

120. The Council confirmed that it does not have a five year supply of deliverable housing sites⁹². The Framework 11(d)(i) would be applicable. However footnote 7 is clear that in protected areas if there is a strong reason for refusing the development it will not apply. That is the case here regarding the designated European Sites. As such the tilted balance does not apply.

121. The appeal scheme would be in conflict with policies of the development plan, read as a whole, and planning permission should not be granted. There are no material considerations in this case that would alter or outweigh the harm identified. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Appeal B

122. The scheme would lead to less than substantial harm to heritage assets, this would be at the lower end of the spectrum of harm. Whilst the public benefits would outweigh this the harm attracts considerable importance and weight.

⁹¹ CD SOCG8

⁹² ID52

123. I have found that the proposed development would not have a harmful effect on highways safety and drainage subject to the imposition of suitable conditions or planning obligations. In terms of the approach taken by the appellant to master planning I consider that it is proportionate and would not be in conflict with the development plan. In terms of provision for infrastructure I consider the requirements that were in dispute are in fact necessary to make the scheme acceptable. Table A of the planning obligation would therefore be in play and consequently there would be no development plan conflict on this point. In addition there would be no harm to the general character and appearance of the area.
124. However, the approach to the provision of green infrastructure would be in conflict with the development plan. In this appeal the approach to improvement of replacement sports provision would be in conflict with the development plan. The approach to provision of SANG would also be harmful and a strong reason to resist planning permission. Taken together these matters lead to my finding that the quantum of development would not be acceptable. On these matters the scheme would be in conflict with the development plan and in particular policies ISPA4 f) (ii), (iii), DM5, DM6, DM8, RSA9, RSA11.
125. The Council confirmed that it does not have a five year supply of deliverable housing sites⁹³. The Framework 11(d)(i) would be applicable. However footnote 7 is clear that in protected areas if there is a strong reason for refusing the development it will not apply. That is the case here regarding the designated European Sites. As such the tilted balance does not apply.
126. The appeal scheme would be in conflict with policies of the development plan, read as a whole, and planning permission should not be granted. There are no material considerations in this case that would alter or outweigh the harm identified. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

⁹³ ID52

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle KC

Harley Ronan

They called:

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Mike Hancock

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CORE DOCUMENTS

Accessible via:

<https://www.eastsuffolk.gov.uk/planning/major-sites/humber-doucy-lane-appeal-inquiry/>

Reference List:

[Humber-Doucy-Lane-Core-Docs-List.pdf](#)

INQUIRY DOCUMENTS

ID1	Appellant Opening Statement	21.01.2025
ID2	Joint Council's Opening Statement	21.01.2025
ID3	Rule 6 Opening Statement	21.01.2025
ID4A	COPY - Save our Country Spaces HDL response holding objection	April 2024
ID4B	COPY - Save our Country Spaces issues wishing to raise following holding objection	04.11.2024
ID5	Viewpoints for Inspector's Site Inspection from Barbara Robinson	21.01.2025
ID6	Viewpoints for Inspector's Site Inspection from Richard Green	21.01.2025
ID7	Inspector's highway and agreed matters questions for round table discussion	21.01.2025
ID8	Pack for round table highway discussion	22.01.2025
ID9	Joint SCC and Appellant response to Inspector questions	24.01.2025
ID10	Appellant s106 update	23.01.2025
ID11	Inspector's note initial questions for Planning Obligation session	28.01.2025
ID12	Landscape and Ecology Sessions Inspector questions in advance	28.01.2025
ID13	Proposed Heads of Terms, Early Years School Site	27.01.2025
ID14	Draft s106 with consolidated comments	27.01.2025
ID15	Letter from Ipswich MP Jack Abbott	27.01.2025
ID16	Agenda for 5 February 2025 Round Table – Matters in dispute	31.01.2025
ID17	Hopkins Homes concept plan, Humber Doucy Lane	July 2023
ID18	Submission from Barbara Robinson, SOCG	01.02.2025
ID18A	Appendix A plan	01.02.2025
ID19	Agenda for Wednesday 5 February S106 Matters in Dispute	05.02.2025
ID20	Save our Country Spaces: Note on Wheatcroft	05.02.2025
ID21	HDL Appeal- Suggested Conditions East Suffolk Council	10.02.2025

ID22	HDL Appeal- Suggested Conditions Ipswich Borough Council	10.02.2025
ID23	Northern Fringe Protection Group statement	11.02.2025
ID24	Cllr Sandy Martin, (Suffolk County Council) statement	11.02.2025
ID25	Ipswich Rugby Club - Mr. Hancock Statement	11.02.2025
ID26	Land use parameter plan	10.02.2025
ID27	Proposed access strategy	15.02.2024
ID28	Highways SOCG between Appellant and SCC	11.02.2025
ID29	General Statement of Common Ground	11.02.2025
ID30	Position statement by Suffolk County Council on Libraries & provision to be made using contributions from Ipswich Garden Suburb Development	11.02.2025
ID31	Ipswich Strategic Planning Area (ISPA) Transport Mitigation Strategy	11.02.2025
ID32	Sport England's replies to Inspector's questions	07.02.2025
ID33	Land parameter plan with overlay plan	11.02.2025
ID34	SOCS Off site Transport matters	10.02.2025
ID35	Town & Country Planning Act 1990 extracts	
ID36	East Suffolk Council Landscape comments on application	02.05.2024
ID37A	Site walk route accompanied v1	
ID37B	Fynn Valley walk taken from Dr Marsh's proof of evidence	
ID37C	Site visit off site locations	
ID38	Northern Fringe Protection Group – response to ID28	13.02.2025
ID39	Response by SCC and Appellant to ID34	
ID40	Draft s106 – Appellant consolidated draft	
ID41	Comparison draft of s106	
ID42	Closing statement Joint Council's	18.02.2025
ID43	Closing statement Rule 6 – SCC	18.02.2025
ID44	Closing statement interested party – Save our Country Spaces	18.02.2025
ID45	Closing statement Appellant	18.02.2025

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

ID46	Statement from Appellant re pre commencement conditions	24.02.2025
ID47	Suggested conditions ESC	24.02.2025
ID48	Suggested conditions IBC	24.02.2025
ID49	Engrossed s106	03.03.2025
ID50	S106 note from Howes Percival	03.03.2025
ID51	Completed s106 agreement	10.03.2025
ID52	Email from IBC re Housing Land Supply and Tree Preservation Order	02.04.2025
ID53	Response from Appellant	18.06.2025
ID54	Response from SCC	21.06.2025