

Appeal References: APP/X3540/W/3350673 & APP/R/3515/W/24/3350674

Land north-east of Humber Doucy Lane, Ipswich

Appeal by Barratt David Wilson and Hopkins Homes

OPENING STATEMENT ON BEHALF OF SUFFOLK COUNTY COUNCIL

1. Suffolk County Council ("SCC") is the Highway Authority, Lead Local Flood Authority and has statutory responsibilities in respect of education, libraries, waste and archaeology for Suffolk. It was a statutory consultee for those matters on the application for permission which forms the subject of the current appeals. It is by reference to those matters that it participates as a Rule 6 party in this Inquiry.
2. SCC does not hold, and does not express, a view more generally as to whether permission should be granted or refused for the development which is the subject of these appeals. Its concern is to ensure that in the event that permission is granted it will not adversely impact on those matters for which SCC holds statutory responsibility and that appropriate mitigation is secured where required.
3. In light of further work undertaken, further information and/or revisions to previously submitted documentation provided by the Appellants since permission was refused by the Local Planning Authorities ("the LPAs"), a number of SCC's points of concern raised in its holding objections submitted to the LPAs and in its Statement of Case have now been addressed. This is reflected, in part, in the Statements of Common Ground which have been agreed with the Appellants in respect of Highways (SoCG4), Drainage (SoCG 5), Archaeology (SoCG 2) and (non-highway) Development Contributions (SoCG 4). The position has moved on further following submission of Proofs of Evidence.
4. With regards to the Main Matters which are addressed in SCC's evidence, the current position is as follows.

MM4: The effect of the scheme on highway safety (*Main access, IBC RF3, trip distribution, trip generation, pedestrian and cycling connectivity, IBC RFR 2, ESC RFR 2*)

5. In its Statement of Case, SCC maintained its holding objection¹ to the proposed development by reference to:

- (i) The robustness of the assessment in the Transport Assessment² with regards to trip generation (specifically, the use of 2011 census travel to work data and the fact that the Appellant had not used, or tested its assessment against, the Suffolk County Transport Model (“SCTM”)) and the implications that this might have for:
 - (a) which junctions on the network might require detailed junction modelling;
 - (b) the vehicular accesses proposed as part of the development;³ and
 - (c) the potential re-distribution of traffic as a result of the introduction of the proposed signalised junction opposite Inverness Road and potential impacts that this might have;
- (ii) The design of the proposed vehicular accesses⁴;
- (iii) It not being demonstrated that proper efforts had been made to promote and prioritise walking and cycling off-site within neighbouring areas, or to ensure safe and suitable access to the site for all users. In particular, the lack of an off-site walking and cycling strategy with recommendations for improvements to ensure safe and suitable movement and maximum accessibility to sustainable modes of transport⁵; and
- (iv) Improvements to PROW and mitigation/contributions required to be secured by planning obligation.

¹ A copy of the holding objection can be found in Appendix 1 to SCC’s SoC (SC2)

² AD37

³ SCC SoC paras 6.4 – 6.17

⁴ SCC SoC paras 6.16 – 6.20

⁵ SCC SoC paras 6.22 – 6.27

6. With regards to point (i), as Mr Cantell-Forbes will explain in his evidence, having reviewed further information provided with Mr Hassell's Proof (AP6.1) and Rebuttal Proof (REBAP 6) (specifically, the sensitivity testing which has now been undertaken by reference to flows derived from the SCTM) alongside the SCTM outputs, it is no longer SCC's position that it cannot conclude, based on the information which has been provided, that there would not be an unacceptable impact on highway safety, or that residual cumulative impacts on the road network, following mitigation, would not be severe.⁶
7. With regards to junction design (point (ii)), the Appellants have produced revised drawings with some changes to the detail of the proposed junctions shown on the drawings submitted with the application (AP 2(10)) and with further information as to the visibility which is achievable at two of the junctions: see Appendices 8-11 to Mr Hassell's Proof (AP6.1). Whilst SCC accepts that, in principle, such revisions could be secured through condition, it has some concerns as to the appropriateness of a condition requiring the access requirements (being those matters for which full planning permission is sought) to be carried out in accordance with the application plans in circumstances where it is clear that there are to be changes to what is shown on those plans.
8. As Mr Cantwell-Forbes will explain in his evidence, however, SCC is satisfied that the revisions shown on the drawings appended to Mr Hassell's Proof would address most (if not all) of the points it had raised in its consultation response and/or discussions with the Appellants.
9. Off-site pedestrian / cycling provision (point (iii)) remains in issue. Transport contributions (point (iv)) are agreed in principle, but not amount.⁷

MM 5: Whether the scheme would be at risk from flooding, having particular regard to flooding and drainage strategy (IBC RFR 5, ESC RFR4)

10. In its holding objection submitted in response to the planning applications⁸ SCC, in its capacity as LLFA, identified 9 points which needed to be addressed to overcome its concerns (and thus objection to the proposed development) on flood risk and surface water drainage grounds.

⁶ Cf the conclusion previously set out in Mr Cantwell-Forbe's Proof at 6.46 (SCC 3.1).

⁷ SOCG 4 para 4.1.

⁸ Within Appendix 1 to SCC's SoC

11. Following refusal of permission by the LPAs, the Appellants provided a further information which addressed points 1-4 of its holding objection.⁹
12. A revised Proposed Surface Water Drainage Strategy plan (890695 RSK ZZ XX DR C0007 P02) (APD1) was provided by the Appellants in December 2024. This addressed points 5 and 8 of SCC's holding objection.¹⁰
13. Following exchange of Proofs, in January this year further information, and a further revised Proposed Surface Water Drainage Strategy plan ((890695 RSK ZZ XX DR C 0007 P03) were provided by the Appellants (Appendices B and C to Mr Fillingham's Rebuttal Proof) (REBAP 2.3 – 2.4). Having reviewed those documents, SCC is now satisfied that all its points of objection have been (or can be) addressed, and that this RFR can now be addressed by means of condition.

MM8: The effect of the scheme on the archaeological significance of the site, having particular regard to investigation and mitigation strategies (IBC RFR 8, ESC RFR 7)

14. In light of the trial trench evaluation undertaken on the Appeal Site following refusal of permission by the LPAs and review of the same by Dr Cutler of SCC Archaeological Service, SCC is now satisfied that whilst there are archaeological remains that will require targeted mitigation, there is nothing of schedulable quality (national significance) and worthy of preservation in situ. SCC is therefore satisfied that RFR 8 (IBC) / RFR 7 (ESC) can be addressed by suitable conditions to secure remaining evaluation and archaeological mitigation, post-excavation reporting, publication and archiving.¹¹

MM 13: Whether the scheme would make appropriate provision for infrastructure (IBC RFR 13, ESC RFR 11)

15. Transport infrastructure contributions are agreed in principle.¹² The sums are not agreed, although it does not appear that the Appellants make any positive case that they should be of a different amount to that sought by SCC.¹³

⁹ SCC SoC paras 6.44 – 6.45; Drainage Statement of Common Ground (SoCG5) paras 9-13. The additional information can be found at Appendix B to Mr Fillingham's PoE (AP 2.1)

¹⁰ Mr Locksmith's Proof (SCC 1.2) para 33.

¹¹ SCC SoC paras 6.61 – 6.69; Statement of Common Ground on Archaeology (SoCG 2) paras 7-9.

¹² Highways SOCG para 4.1 (SoCG 4)

¹³ No such indication appears in Mr Hassell's Proof (AP6.1) or Rebuttal Proof (REBAP 6)

16. With regard to other contributions sought by SCC:

- (i) There is agreement between the Appellants and SCC both as to the principle and amount (per dwelling / trigger event) for waste contribution and s.106 monitoring fees,¹⁴ and in respect of early years provision¹⁵;
- (ii) Contributions towards secondary, sixth form and SEND provision remains in dispute¹⁶;
- (iii) The Appellants do not agree that there is a need for a library contribution¹⁷.

17. Whilst contributions are addressed in the Proofs of Mr Cantwell-Forbes (SCC 2.3), Ms Ashton (SCC 1.1) and Mr Kinsman (AP 4.1) it is understood that these matters will be addressed at the round-table sessions currently scheduled during week 2.

18. Whilst a number of SCC's concerns raised either in its consultation responses or Statement of Case have therefore been addressed through information or revised documentation produced by the Appellants following the refusal of permission by the LPAs, there remain some outstanding issues. At the close of the Inquiry, if those matters have not been satisfactorily resolved, whether by way of condition or otherwise, SCC would invite the Inspector to dismiss the appeals.

JACQUELINE LEAN

21 January 2025

¹⁴ Statement of Common Ground on Early Years and Education, Libraries and Waste Matters (SoCG 6) para 3.1.

¹⁵ Either a contribution in addition to provision of the land for the Early Years facility or the Appellants to provide the facility itself. SoCG 6 para 3.1

¹⁶ SoCG 6 paras 4.2-4.3

¹⁷ SoCG 6 para 4.2.

