



TOWN AND COUNTRY PLANNING ACT 1990
IPSWICH BOROUGH DISTRICT COUNCIL
AND
EAST SUFFOLK COUNCIL

Appeal by Barratt David Wilson and Hopkins Homes

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

Planning Inspectorate's Ref: APP/R3515/W/24/3350674

Local Planning Authority Reference: IP/24/00172/OUTFL and DC/24/0771/OUT

PROOF OF EVIDENCE OF
LISA EVANS BA(HONS) DIPTP MRTPI
SPECIAL PROJECTS TEAM LEADER
IPSWICH BOROUGH COUNCIL

23th December 2024

Contents:

- 1. Introduction**
- 2. Consideration of the application by the Councils**
- 3. Scope of Evidence**
- 4. The Decision Taking Framework**
- 5. Main Issues and Assessment:**
 - Main Issue 1 – Masterplanning**
 - Main Issue 2 – Highway Matters**
 - Main Issue 3 – Humber Doucy Lane (IBC only)**
 - Main Issue 4 – Landscape Impact**
 - Main Issue 5 – Flooding and Drainage**
 - Main Issue 6 – HRA/SANGS**
 - Main Issue 7 – Loss of Sports Pitches**
 - Main Issue 8 – Open Space and Green Infrastructure**
 - Main Issue 9 – Quantum of Housing**
- 6. Conditions and Obligations**
- 7. The Planning Balance**
- 8. The Overall Planning Balance**

Appendices

A - Land Budget Exercise by Mr Philip Russell-Vick

- **Statement**
- **Tables 1 – 5**
- **Potential Alternative Scheme**

B - ESC Open Space Typology Requirements

C - IBC Policy ISPA4 - Cross Boundary Working to Deliver Sites (Policy and explanatory text)

D - ESC Policy SCLP12.24 - Land at Humber Doucy Lane (Policy and explanatory text)

1.0 Introduction

- 1.1 My name is Lisa Evans I hold a degree in Urban Studies and Planning from Sheffield University and a Post Graduate Diploma in Town Planning from Sheffield University. I am a Chartered Member of the RTPI.
- 1.2 I am employed by Ipswich Borough Council as the Special Projects Team Leader. I have been employed in my current role since December 2021. Prior to that date I was employed by Ipswich Borough Council as a Special Projects Principal Planning Officer from January 2017. I have been employed as a planner since June 2001 with all of this time as a Development Management Officer within Local Planning Authorities, the majority of my employment being in Suffolk authorities with 3 years in Derbyshire.
- 1.3 I was not the case officer for the application, which forms the subject of this appeal, nor the author of the delegated reports. I have been allocated the responsibility to act as planning witness for the appeal as the original Ipswich Borough Council case officer for the application has since left the Council. The application is a cross-boundary application and I will be acting for both Ipswich Borough Council and East Suffolk Council as the planning witness. Prior to the appeal I have had no previous involvement in the pre-application discussions or planning application for this site.
- 1.4 I will present the planning evidence for the Local Planning Authorities Ipswich Borough Council and East Suffolk Council ('the Councils') in response to two appeals submitted pursuant to Section 78 of the Town and Country Planning Act 1990 by Hopkins Homes and Barratt David Wilson. As such I will identify the relevant planning policy framework for the appeals, assess the proposed developments against the most important planning policies for their determination, and reach conclusions as to whether the appeal schemes accord with the Development Plan as a whole, and whether other material considerations indicate that either decision should be made other than in accordance with the Development Plan.
- 1.5 The evidence I provide should be read in conjunction with the Proofs of Evidence prepared by:
- Ruth Chittock of East Suffolk Council, who provides evidence on landscape character.
 - James Meyer of East Suffolk Council who provides evidence on Habitats Regulation Assessment.
 - Benjamin Locksmith of Suffolk County Council (as Local Lead Flood Authority) who provides evidence on flooding and drainage.
 - Luke Cantwell-Forbes of Suffolk County Council (as Highway Authority) who provides evidence on highways.
 - Laura Ashton acting on behalf of Suffolk County Council who provides evidence on planning and s106 obligations.
- 1.6 The Councils also commissioned Philip Russell-Vick, a Chartered Landscape Architect and Director of Enplan, to carry out a land use budgeting exercise, the outputs of which are appended to this proof as **Appendix A**.

- 1.7 The evidence contained in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2.0 Consideration of the application by the Councils

- 2.1 Section 4 of the Councils' Statement of Case **[SC3]** has set out the background to the appeal, including the pre-application advice process. I do not intend to repeat that here but do consider it important to reiterate that, contrary to the guidance set out in Paragraphs 40, 42, and 44 of the National Planning Policy Framework ('NPPF') (December 2024),¹ the pre-application discussions were limited. I consider that, had the pre-application engagement been undertaken as advised by the Councils and advocated by Paragraphs 40, 42, and 44 of the NPPF, a positive decision could have been reached or, at least, that a number of the reasons for refusal would have been addressed.
- 2.2 The appeal is against the decisions of Ipswich Borough Council **[DD6]** and East Suffolk Council **[DD5]** to refuse a hybrid application for full planning permission for the means of vehicle, cycle and pedestrian access to and from the application site and outline planning permission (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.
- 2.3 Application IP/24/00172/OUTFL was refused by Ipswich Borough Council under delegated authority on the 4th June 2024. Application DC/24/0771/OUT was refused by East Suffolk District Council on the 4th June 2024 under delegated authority.
- 2.4 Decision Notice IP/24/00172/OUTFL **[DD6]** was issued by Ipswich Borough Council with thirteen reasons for refusal. Decision Notice DC/24/0771/OUT **[DD5]** was issued by East Suffolk District Council with eleven reasons for refusal. The difference in the number of reasons for refusal is because the reasons for refusal on Humber Doucy Lane and the Loss of Sports Pitches are on part of the appeal site wholly contained within the Ipswich administrative boundary. I have reviewed the reasons for refusal on both decision notices and I am professionally satisfied that the reasons for refusal were justified based on the applications submitted to the respective Councils, and the information available to them at the time.
- 2.5 Since the appeal was lodged with the Inspectorate, the Appellants have submitted further commentary and information in relation to archaeology **[CDXX]**², drainage **[APD1]**, air quality **[CDXX]**³, ecology **[B4; B7; B8; B9 and B10]**, Biodiversity Net Gain **[CDXX]**⁴, a draft S106 Head of Terms **[APD5]** and a draft legal agreement **[APD2]**. The new commentary and/or information relevant to each reason for refusal will be reflected upon in the next section of this Proof.
- 2.6 As has been set out in the Councils' Statement of Case **[SC3]** (Section 4 – Background to Appeal – including Pre-application Advice), the applications were

¹ Unless otherwise specified, all references to the NPPF are to the December 2024 version.

² Position set out in letter from Kevin Coleman dated 5th November 2024

³ Position set out in letter from Kevin Coleman dated 5th November 2024.

⁴ Position set out in letter from Kevin Coleman dated 5th November 2024.

determined on the basis of the submissions made by the Appellants, knowingly against the advice of the Councils that there remained matters that had not been satisfactorily resolved. The Councils, as they are obliged to do, determined the applications on the basis of the original submission and were not required to accept any additional information or plans. As can be seen in the various topic-specific Statements of Common Ground and in the Proofs of Evidence of the Councils' witnesses and Suffolk County Council ("**SCC**") as a Rule 6 Party, much of the information that should have formed part of the original applications to the Councils is instead being submitted as this appeal progresses.

- 2.7 While a number of reasons for refusal have been addressed through the provision of this additional evidence, my professional view is that the remaining reasons for refusal warrant permission being refused and the appeal being dismissed. If this is the outcome of the appeal, it will be open to the developer to submit a properly considered proposal for the development of this allocated site. I am of the view that this is the appropriate course of action in this instance, rather than granting permission for a hybrid scheme which is deficient in a number of respects and which would not secure a well-designed development of a strategically important cross-boundary allocation.

3.0 Scope of Evidence

- 3.1 As the Planning witness for the Councils an important part of my evidence is to assess whether the proposed development is in accordance with the statutory Development Plan (including neighbourhood plans). Paragraph 12 of the NPPF is clear that “*Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.*” This reflects the statutory duty in Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Councils concluded for the reasons set out in the decision notices **[DD5 and DD6]** that the proposed development was in conflict with the Development Plans **[DP1 and DP2]**, including Rushmere St Andrew’s Neighbourhood Plan **[DP3]**.
- 3.2 Overall, the Councils took the view that there were no other material considerations which would outweigh the lack of compliance with the up-to-date Development Plans at the time of refusing the application. I will assess whether there are material planning considerations, including those set out by the Appellants in their Statement of Case **[SC1]**, which indicate that permission should be granted as a departure from the Development Plans. As part of this exercise, I will assess whether any policies important for determination of these applications are out of date and therefore trigger the NPPF tilted planning balance (paragraph 11(d)(ii)). In the event that the tilted balance does apply, I will consider whether the adverse impacts of the proposed development will significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
- 3.3 The Councils, in their Statement of Case **[SC3]**, and Updated Statement of Case **[SC4]**, have acknowledged that, with new information having been made available by the Appellants since the refusals were issued, the Councils’ position on certain matters has moved on. Areas where the position has developed since the Statement of Case **[SC3]** was submitted is confirmed in the topic-based Statements of Common Ground **[SoCGs 2 to 9]** submitted to the Inspector in line with the CMC note **[CDXX]**⁵.
- 3.4 In light of the new information, as well as discussions concerning the potential mitigation secured through conditions and/or planning obligations, the following reasons for refusal are no longer being maintained:
- 3.5 **Reason 6 (IBC) / Reason 5 (ESC) (Ecology and BNG):** Based on new information provided as part of the appeal submissions and during the appeal process **[B4; B7; B8; B9; B10]**, the position in relation to this reason for refusal has progressed.
- 3.6 The Councils are satisfied that the further ecological survey and assessment information, when considered together with the information provided within the original application, provides the necessary ecological information to assess the potential impacts of the proposed development on protected species and UK Priority habitats and species. A Statement of Common Ground **[SoCG8]** has been agreed between all parties on the assumption that the conditions required by the Councils be included, should the appeal be allowed. On this assumption the Councils no longer maintain this reason for refusal.

⁵ Summary note and directions arising from the Case Management Conference (19th November 2024)

- 3.7 **Reason 8 (IBC) / Reason 7 (ESC) (Archaeology):** The Councils rely upon the expertise of SCC on this matter. SCC's Statement of Case (Archaeology) **[SC2]** sets out the position at the time of the decision and why this was a reason for refusal. Since the refusal was issued, the Appellants have sought to overcome this reason for refusal with on-site trial trenching (commenced on 30th September 2024) and evaluation. SCC Archaeological Services are satisfied with the archaeological investigation being undertaken. A Statement of Common Ground **[SoCG2]** has been agreed between all parties on the assumption that the conditions required by SCC be included, should the appeal be allowed. Based on the advice of SCC, the Councils no longer maintain this reason for refusal.
- 3.8 **Reason 9 (IBC) / Reason 8 (ESC) (Air Quality):** Since the refusal this reason has progressed. A topic-based Statement of Common Ground **[SoCG7]** has been agreed between the Appellants and the Councils, which identifies a suitable condition that would provide the mitigation measures required for the proposed development to comply with the Development Plan. On the assumption this agreed condition, or similar, is included should the appeal be allowed, the Councils no longer maintain this reason for refusal.
- 3.9 There are some matters where I shall rely upon the evidence of SCC as a Rule 6 Party. These relate to highways, flooding and drainage, and development contributions (for early years; secondary education, sixth form education, SEND; libraries and highway works). The latest position as regards the reasons for refusal where the Councils rely upon the evidence of SCC (in full or part) is as follows:
- 3.10 **Reason 2 (IBC/ESC) (Highways):** I am aware that a topic-based Statement of Common Ground **[SoCG4]** has been produced between the Highway Authority and the Appellants on matters of agreement and disagreement to allow the Inquiry to be focussed only on those matters of disagreement. The Council understands that, although the matters in issue have narrowed, SCC still maintain their objection on the basis that insufficient information has been provided for it to be established what impacts the proposed development would have and what mitigation measures would be required. This reason is supported by the Highways proof of evidence of Luke Cantwell-Forbes, Principal Transport Development Planner at SCC. In addition, my evidence addresses the inadequate internal connectivity between parcels on the appeal site, particularly the main parcel of the development and the eastern parcel (residential areas E1 and E2).
- 3.11 **Reason 3 (Humber Doucy Lane):** I am aware that a topic-based Statement of Common Ground **[SoCG4]** has been produced between the Highway Authority and the Appellants on matters of agreement and disagreement to allow the Inquiry to be focussed only on those matters of disagreement.
- 3.12 As set out in the Councils' updated Statement of Case **[SC4]**, dated 10th December 2024, this reason for refusal will continue to be defended in part, on the basis that the suitability of the main access junction (a proposed signalised junction opposite Inverness Road) has not been adequately evidenced. The Councils will rely on the Highways Proof of Evidence of Luke Cantwell-Forbes, Principal Transport Development Planner at SCC. As was explained in the Updated Statement of Case,

the Councils do not maintain the contention that relocating the main access to the east, opposite Sidegate Lane, would materially reduce the potential visual impact of the junction.

- 3.13 **Reason 5 (IBC)/ 4 (ESC) (Flooding and Drainage Strategy):** Suffolk County Council, in their Statement of Case [SC2], state that there has been progress on this reason during the process of the appeal and that there are likely to be elements that will have been resolved. This change in position follows the new information, submitted by the Appellants in May 2024 [CDXX]⁶, having been assessed by the LLFA. The topic-based Statement of Common Ground [SoCG5] has set out matters of agreement and disagreement between the LLFA and Appellants.
- 3.14 On the basis of SCC's evidence, the Councils continue to defend this reason for refusal on the basis that the Appellants have not adequately demonstrated that the proposed development would not increase off-site flood risk and the drainage strategy has failed to follow the LLFA's flood advice. The Councils will rely on the Flood and Drainage Proof of Evidence of Benjamin Locksmith, Flood and Water Engineer at SCC.
- 3.15 Matters that remain outstanding (in full or part) will be defended by the Councils in the Inquiry are as follows:
- 3.16 **Reason 1 (Both IBC and ESC) (Masterplan):** The Councils maintain this reason for refusal in full and will demonstrate that the inadequacies of the appeal proposals are as a result, at least in part, of inadequate masterplanning of the site as required by the Local Plan site allocation policies ISPA4 and SCLP12.24 other relevant Development Plan policies.
- 3.17 **Reason 4 (IBC)/Reason 3 (ESC) (Landscape and Heritage Impact):** The Councils maintain this reason in part, as set out in the Councils' updated Statement of Case dated 10th December 2024 [SC4]. The Councils will demonstrate that the proposed development fails, by reason of its design and the quantity of homes proposed, to provide an effective transition space between the proposed new development and the wider countryside, and fails to provide an appropriate design response to the Humber Doucy Lane frontage, contrary to the Development Plan Policies ISPA4, DM12, SCLP12.24, SCLP10.4, SCLP11.1 and RSA 9 and the NPPF. This reason is supported by the Proof of Evidence of Ruth Chittock, Senior Landscape Officer at ESC.
- 3.18 **Reason 7 (IBC)/Reason 6 (ESC) (HRA):** A Statement of Common Ground [SCoG9] has been agreed between the Councils and the Appellant which sets out factual matters, so that the focus in the Inquiry can be on the issues in dispute. The Councils maintain this reason for refusal in full. The proposed development has failed to adequately demonstrate that the on-site Suitable Alternative Natural Green Space (SANG) proposed is of an adequate quantum and quality to ensure that the proposed development would not have an adverse effect on the integrity of the European site included in the Suffolk Coast RAMS, contrary to Regulation 63 of The Conservation

⁶ Position set out in letter from Kevin Coleman dated 5th November 2024.

of Habitats and Species Regulations 2017, as well as Policies DM8, ISPA4⁷ SCLP12.24 SCLP10.1 and the NPPF. This reason is supported by the HRA Proof of Evidence from James Meyer, Principal Ecologist at ESC.

- 3.19 **Reason 10 (IBC only) (Loss of Sports Pitches):** IBC maintains this reason for refusal in full and will demonstrate that the proposed development would result in the loss of sports pitches. These pitches have not been proposed to be replaced with adequate alternative provision, and the Appellant has failed to justify their loss, contrary to Policies ISPA4 and DM5 and Paragraphs of 88(d); 96(c); 98(a)&(c); and 104 of the NPPF. This reason is also supported by the Sport England's written representation to the application [CDXX]⁸ and the appeal [APD6].
- 3.20 **Reason 11 (IBC)/Reason 10 (ESC) (Housing):** The Councils maintain this reason for refusal in full and will demonstrate the proposal of up to 660 homes - well in excess of the combined indicative capacity of the two allocations (599), in circumstances where the entire allocation is not being utilised - has not been justified. The housing numbers proposed, and the extent of land required to deliver this level of housing, severely restricts the amount of land available for secondary uses. This results in a failure of the proposed scheme to provide sufficient land to enable: an effective transition space between the proposed new development and the wider countryside; an appropriate design response to the Humber Doucy Lane frontage; the quantum and quality of onsite SANG required; the provision of adequate open space; and the reprovision of the sports pitches; contrary to the Development Plans and the NPPF. This reason is supported by the Proofs of Evidence of Ruth Chittock, Senior Landscape Officer and James Meyer, Principal Ecologist, as well as the land use budgeting exercise undertaken by Philip Russell-Vick of Enplan. Contrary to Policies ISPA4 and SCLP12.24.
- 3.21 **Reason 12 (IBC)/Reason 11 (ESC) (Open Space and Green Infrastructure):** The Councils maintain this reason for refusal in full and will demonstrate the quantum and quality of the open space proposed and identified within the proposed development fails to meet the relevant policy standards. The proposed development fails to demonstrate that there is sufficient open space on the site to provide the requisite SANG, the other open space typologies, and necessary infrastructure such as highways and SuDS. This is the case even taking account of the potential for a duality of use between certain open space topologies and SANG, and assuming that the SuDS can be designed in such a way for some recreational use. In addition, the quality of the open space proposed is inadequate in a number of respects. This reason is supported by the evidence of Ruth Chittock, Senior Landscape Officer and James Meyer, Principal Ecologist, as well as the land use budgeting exercise undertaken by Philip Russell-Vick of Enplan .
- 3.22 The latest position in respect of matters to be defended by the Councils and SCC together are as follows:
- 3.23 **Reason 13 (IBC)/ Reason 11 (ESC) (S106):** Based on the appeal submission this reason has progressed with the appellants submitting a draft Head of Terms [APD5] and a section 106 agreement [APD2]. All parties are reviewing this working draft

⁷ This was not cited in the reason for refusal but is plainly of relevance to the Inspector in their decision.

⁸ Sport England consultation response dated 18th April 2024.

received on the 21st November 2024 by the Councils. However, as it currently stands, there are outstanding matters of disagreement that affect the extent of progress on this reason, including the necessary highway mitigation, which cannot be determined based on the inadequacy of the application submission. In line with the CMC Note **[CDXX]**⁹ the working draft will be provided to the Inspector.

⁹ Summary note and directions arising from the Case Management Conference (19th November 2024)

4.0 The Decision-Taking Framework

Statutory Duties and Policy Consideration

- 4.1 In this section I have provided an overview of the statutory duties that are applicable to the appeal and the Development Plan context; setting out the most important Development Plan policies for the determination of the appeals.

Statutory Duties:

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Planning Acts to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 As part of the statutory duty of S38(6) it must be determined whether the development accords with the Development Plan when viewed as a whole. The Councils will demonstrate, contrary to the Appellants' assertion, that the application scheme does not accord with the Councils' Development Plans, including the Rushmere St Andrew Neighbourhood Plan.
- 4.4 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.5 Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) requires that, before giving permission for a development which is likely to have significant effects on any protected habitats site, a local planning authority must make an appropriate assessment of the implications of the development for that site in view of that site's conservation objectives. In determining this appeal, that responsibility is the Inspectors and would require prior consultation with Natural England in reaching a conclusion.
- 4.6 Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) (as amended), places local authorities under a general duty to consider, from time to time, what action it can take to further the objective of conserving and enhancing biodiversity, including consideration of species of principal importance for the purpose of conserving or enhancing biodiversity (UK Priority species) in accordance with Section 41 of the Act.

The Development Plans

- 4.7 As relevant to this appeal, the statutory Development Plans comprise the following:
- Ipswich Borough Council Local Plan March 2022, comprising the Core Strategy and Policies DPD Review and the Ipswich Site Allocations (Incorporating IP-One AAP) DPD Review.
 - East Suffolk Council – Suffolk Coastal Local Plan 2020
 - Rushmere St Andrew Neighbourhood Plan (Made 28 June 2023)

- 4.8 Within the Plan I consider that the following policies to be the most important for the determination of the appeals.

IBC		ESC	
Reasons for Refusal	Relevant Policies	Reasons for Refusal	Relevant Policies
Masterplan	ISPA4, DM1, DM12, DM18.	Masterplan	SCLP12.24, SCLP11.1, RSA 9
Transport	ISPA4, DM21.	Transport	SCLP12.24, SCLP7.1
Humber Doucy Lane (IBC only)	ISPA4, DM12, DM18, DM21.		
Landscape and Heritage Impact	ISPA4, DM12, DM13.	Landscape and Heritage Impact	SCLP12.24, SCLP10.4, SCLP11.1, RSA 9
Flooding and Drainage Strategy	DM4.	Flooding and Drainage Strategy	SCLP12.24, SCLP9.6, RSA 9(e)
Ecology and BNG	DM8.	Ecology and BNG	SCLP10.1
HRA	DM8. ISPA4	HRA	SCLP12.24, SCLP10.1
Archaeology	DM14.	Archaeology	SCLP12.24, SCLP11.7
Air Quality	DM3.	Air Quality	SCLP10.3, SCLP11.2
Loss of Sport Pitches (IBC only)	ISPA4, DM5.		
Housing	ISPA4.	Housing	SCLP12.24
Open Space and Green Infrastructure	DM6.	Open Space and Green Infrastructure	SCLP12.24, SCLP3.5, SCLP8.2, SCLP11.1, RSA 9 and RSA 11.

- 4.9 Copies of the above policies and their supporting text are found at **[DP1; DP2 and DP3]**.

- 4.10 Both Councils have sound Plans with the adoption of the Suffolk Coastal Local Plan in September 2020 and the IBC Local Plan in March 2022. I conclude that no policies important in the decision making of these applications are out of date as a matter of substance (rather than being deemed to be out of date by operation of footnote 8 of the NPPF, which I address below). In my view full weight should be afforded to them.

I am not aware that the Appellants have challenged the Plans as being out of date as a matter of substance.

4.11 Site Allocation Policies:

These are provided in full, including the explanatory text at **Appendices C and D**.

The key requirements are:

- Affordable housing provision at 33% ESC SCLP12.24 (a) and 30% ISPA4 (a) and paragraph 8.32;
- Significant landscaping to provide a soft edge (SCLP12.24(f) and paragraph 12.217, and ISPA4(f)(iv));
- Creation of a transition between the new development/Ipswich urban edge and the more rural landscape character of East Suffolk (ISPA4(b))
- Appropriate open space (SCLP12.24(d) and ISPA4(f)(iii));
- Provision of SANG/HRA Assessment (SCLP12.24(j) and paragraph 12.222 and ISPA4(f)(iii) and paragraph 8.30).
- Replacement Sports facilities, if required to meet Policy DM5 (ISPA(f)(ii))
- Transport measures, including highway and junction improvements on Humber Doucy Lane and Tuddenham Road, and walking and cycling infrastructure to link the site to town centre (ISPA(f)(v)) and SCLP12.24.
- Provision of early years and primary school places to meet the demands of the development SCLP12.24 (c) and (e) and ISPA (f) (i) and (vii).

The National Planning Policy Framework

4.12 The decisions made by the Councils were under the National Planning Policy Framework December 2023 **[NP3]**. The Joint Councils' Statement of Case has also been written under the 2023 NPPF.

4.13 The most recent update of the NPPF has recently been published on the 12th December 2024 **[NP2]**. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework and is a material consideration for decision making purposes and can affect the weight attributed to policies of the Development Plan. However, as planning law sets out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, for decision-taking purposes the NPPF does not displace the statutory primacy of the Development Plan.

4.14 The primacy (statutory status) of the Development Plan is made clear at Paragraph 12 of the NPPF **[NP2]** - The presumption in favour of sustainable development where the Development Plan is stated as the starting point for decision-making. *"Where a planning application conflicts with an up-to-date Development Plan (including any neighbourhood plans that form part of the Development Plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the plan should not be followed."* As I will set out later in this Proof I am of the view that the appeal proposal is contrary to the Development Plans; that the Development Plans are, as a matter of substance, up-to-date (even if deemed

otherwise by the housing land supply position), and that material considerations are not of sufficient weight to outweigh the conflict with the Councils' Development Plans.

- 4.15 Footnote 8 of the NPPF indicates that where an authority cannot demonstrate a 5-year housing land supply the presumption in favour of sustainable development (or 'tilted balance') under paragraph 11(d)(ii) is triggered and permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*. The Planning Practice Guidance at Paragraph: 004 (Reference ID: 2a-004-20241212) sets out the new standard method for calculating housing need. This applies where plans are less than five years old. In this case, neither plan is over five years old, so the strategic housing requirements are to be applied. Against these figures, ESC can demonstrate a deliverable supply of 6.08 years. However, it is accepted that IBC are unable to demonstrate a five-year supply of housing land against its adopted requirement, with the deliverable supply being 3.49 years.¹⁰
- 4.16 Ordinarily, IBC's housing land supply would trigger the presumption in favour of sustainable development by virtue of footnote 8 of the NPPF. However, the application has been refused on, amongst other matters, the failure to demonstrate the proposed development would not have an adverse impact upon the integrity of European Sites (Reasons IBC - 7 and ESC - 6). Paragraph 195 of the NPPF **[NP2]** states *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."* Therefore, if the Inspector agrees with the evidence of James Meyer regarding the impact of the proposed development on a habitat's site then the presumption will not apply.
- 4.17 It is my opinion the approach taken by the Councils in allocating the appeal site was in accordance with that advocated in Paragraph 15 of the NPPF **[NP2]**: *"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings."* I provide more detail on this in my evidence on the reason for refusals (see below at Section 5). The important point is that the appeal scheme does not bring forward development on the site consistent with the allocation policies, and therefore it is inconsistent with the Development Plans vision for how this site should be developed.
- 4.18 The NPPF **[NP2]** advocates good quality pre-application discussions (Paragraphs 39 – 46). The Councils' Statement of Case, with supporting appendices **[SC3]**, demonstrates that the Councils attempted to work proactively with the Appellants as

¹⁰ This is on the basis of a backlog of 262 homes, and a 5% buffer. If a 20% buffer applies, the deliverable supply would be 3.1 years. Although the HDT results for IBC suggest that delivery was 77% of the requirement (such that a 20% buffer would apply under paragraph 78 of the NPPF), IBC dispute the accuracy of the completion figures. If accurate figures are used the delivery would have been (marginally) over 85% of the housing requirement for the last three years

part of the pre-application discussions, after the decision was issued, and since the appeal was lodged. It is disappointing that the opportunity for effective discussions was not taken up by the Appellants before making the application, and the appeal.

5.0 Main Issues and Assessment

- 5.1 In this section I set out the main issues for the determination of the appeals, upon which I will be providing evidence. I then assess whether the appeals comply with the Development Plans as a whole and whether there are other material planning considerations that would outweigh the up-to-date Development Plans.
- 5.2 In doing so I have considered those other material considerations which are relevant, including the benefits of the appeal development, as set out by the Appellants in their Statement of Case **[SC1]**.
- 5.3 Having regard to reasons for refusal, Statements of Case, and SoCG, the main issues to address (drawing on others evidence where appropriate) are as follows:
- Main Issue 1 – Masterplanning
 - Main Issue 2 – Highways
 - Main Issue 3 – Humber Doucy Lane
 - Main Issue 4 – Landscape Impact
 - Main Issue 5 – Flooding and Drainage
 - Main Issue 6 – HRA/SANGS
 - Main Issue 7 – Loss of Sports Pitches
 - Main Issue 8 – Open Space and Green Infrastructure
 - Main Issue 9 – Quantum of Housing

Main Issue 1 – Masterplanning

- 5.4 Ultimately, it is the failure by the Appellants to carry out a proper masterplanning exercise for the proposed development that has led to the harms which are the basis for a number of the reasons for refusal. The appeal application has failed to demonstrate that the development complies with the Development Plans, including the principal policy requirements for the appeal site (Policy ISPA4 – Cross Boundary Working to Deliver Sites and SCLP12.24 – Land at Humber Doucy Lane) and the issue of masterplanning is central to this failure. As a consequence of the lack of proper masterplanning, important information for the determination of the applications has either come forward in a piecemeal fashion, after the decisions were issued, or has not been provided at all. In addition, as set out further below, and as can be seen in the land use budgeting work carried out by Philip Russell-Vick at **Appendix A**, the appeal scheme as proposed results in a substantial deficit in terms of the land available to meet policy requirements for open space and other secondary use provision.
- 5.5 The inadequacies in the masterplanning approach has led to a proposal which does not bring forward the entire allocation; which fails to provide sufficient land for SANG, as well as other open space requirements; which does not provide an effective transition to the countryside; which has (still) not demonstrated an appropriate drainage scheme is achievable, let alone how, in functional and landscape terms, the SuDS features will be incorporated into the open and transitional space which results

in the unjustified loss of sports pitches; and which promotes a quantum of housing which has not been justified.

Policy requirements

- 5.6 Paragraph 15 of the NPPF states *“The planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
- 5.7 The joint Councils, through the Ipswich Strategic Planning Area¹¹ (ISPA) body, have worked together to bring forward this allocation in their separate Local Plans. IBC and ESC worked collaboratively to consider how this cross-boundary site could be brought forward for housing development in an acceptable form before being promoted in either Local Plan. From an early stage in the process it was recognised that, due to its size, the fact it is a cross-boundary site, and because of its sensitive nature (on the edge of Ipswich, in an area which transitions to the countryside), an effective masterplanning process was critical in order to bring forward the site appropriately. This is reflected in both Local Plans **[DP1 and DP2]**.
- 5.8 The site allocation was first adopted in the Suffolk Coastal Local Plan (September 2020) under Policy SCLP12.24 for approximately 150 homes, with the policy providing that *“Development will only come forward as part of a masterplanned approach with land in Ipswich Borough”*. The explanatory text **Appendix D** underscores these requirements, stating that : *“an allocation for housing development which would come forward as part of a masterplanned approach including land within Ipswich Borough. It would not be appropriate for the land in East Suffolk to come forward without the land in Ipswich Borough as access to the site is required through land in Ipswich Borough. An equivalent policy relating to land within Ipswich Borough is being established through the Ipswich Local Plan, which is currently under preparation”* (Paragraph 12.213).
- 5.9 The explanatory text to policy SCLP12.24 (**Appendix D**) sets out at paragraph 12.217 that the Settlement Sensitivity Assessment Volume 1 **[L1]** identifies opportunities in this area to soften the urban edge of Ipswich, and therefore development would be expected to provide significant landscaping and open space in the north eastern part of the site, which would also act to retain separation and the rural character of the area around Tuddenham Lane to the north. This could also help with the delivery of a ‘green trail’ around Ipswich, which is a well-established policy within the Ipswich Borough Council Local Plan **[DP1]**. This is reflected in the policy itself which, amongst other things, requires the “Contribution to the creation of a ‘green trail’ around Ipswich and provision of on-site open space” (criteria (d)) and “Provision of a soft edge to the urban area through the provision of significant landscaping” (criteria (f)).
- 5.10 The Ipswich Local Plan was adopted in March 2022, including the equivalent Site Allocation Policy ISPA4, as referenced in the SCLP **[DP2]**. Policy ISPA4 states that

¹¹ ISPA includes the following local authorities – Ipswich Borough Council, East Suffolk Council, Babergh District Council, Mid Suffolk District Council and Suffolk County Council.

“Development will be planned and comprehensively delivered through master planning of the site, including the allocation of land in East Suffolk, to be undertaken jointly with East Suffolk Council and the landowner.” The supporting text provided more detail on the expected process, explaining that *“The Council will outline expected infrastructure provision of both green infrastructure and built infrastructure required as part of the joint agreed master planning process to the cross-border Humber Doucy Lane sites”* (paragraph 8.32).

- 5.11 Going forwards, I will refer to Policies SCLP12.24 and ISPA4 as the ‘principal policies’. I am of no doubt, when reading these principal policies and the explanatory text, of the importance to both Councils of the need for masterplanning of this cross-boundary allocated site. Masterplanning is necessary to ensure that the constraints of the site and other Plan policies are fully considered and to inform any proposed development coming forward, to ensure that a coordinated, comprehensively planned, well-designed and sustainable development can be delivered. The principal policies and their explanatory text (**Appendices C and D**) set out the sensitivities of the site and requirements that need to be addressed as part of any development, including:
- Significant landscaping to provide a soft edge (SCLP12.24(f) and paragraph 12.217, and ISPA4(f)(iv));
 - Creation of a transition between the new development/Ipswich urban edge and the more rural landscape character of East Suffolk (ISPA4(b));
 - Appropriate open space (SCLP12.24(d) and ISPA4(f)(iii));
 - Provision of SANG/HRA Assessment (SCLP12.24(j) and paragraph 12.222 and ISPA4(f)(iii) and paragraph 8.30);
 - Replacement Sports facilities, if required to meet Policy DM5 (ISPA(f)(ii)); and
 - Transport measures, including highway and junction improvements on Humber Doucy Lane and Tuddenham Road, and walking and cycling infrastructure to link the site to town centre (ISPA(f)(v)).
- 5.12 The Councils’ approach to masterplanning for this site has been examined at the two Local Plan Examinations and the Inspector in each of these found the principal policy to be acceptable when finding the Local Plans sound **[PP2 and PP3]**.
- 5.13 In addition to the principal policies, IBC Policy CS2(b) – The Location and Nature of Development sets out that the regeneration and sustainable growth of Ipswich is to be achieved through *“Allocating sites for future development at the northern end of Humber Doucy Lane for housing and associated infrastructure, appropriately phased with the delivery of the Ipswich Garden Suburb and its associated infrastructure, and working with East Suffolk Council to master plan development and ensure a comprehensive approach to its planning and delivery (see Policy ISPA4).”* Furthermore, recognising the need for continued co-ordination with ESC, the first strategic Local Plan objective (Objective 1: Strategic Working) indicates that the site would be subject to the *“Completion of joint master planning of land north of Humber Doucy Lane (Policy ISPA4 and ISPA4.1) by 2026/27 in conjunction with East Suffolk Council.”*

- 5.14 It is clear from these policies (as well as paragraph 8.30 of the supporting text to ISPA4) that the IBC Local Plan envisaged the allocated site being the subject of a joint masterplanning exercise in which the Councils would be closely involved.
- 5.15 Rushmere St Andrew Neighbourhood Plan **[DP3]** includes Policy RSA 2 - Land at Humber Doucy Lane, this policy required, in addition to the provisions of Policy SCLP12.24, that the development proposals should make provision for a significant reinforcement of existing planting and additional native tree planting along the north-eastern /eastern boundary to ensure maintaining the separation between the enlarged urban edge of Ipswich and rural and tranquil part of this part of the Neighbourhood Plan.

Issues with the Appellant's approach to masterplanning - procedural

- 5.16 There are both substantive and procedural issues with the Appellants' approach to masterplanning of this site. I start with the procedural issues. The background to the appeal is set out in section 4 of the Councils' Statement of Case, and supported by evidence contained in the Appendices **[SC3]**.
- 5.17 Whilst I was not involved, there was a level of pre-application discussions between the Councils, the Appellants and SCC as detailed and evidenced in the Councils' Statement of Case **[SC3]**. Having read the pre-application correspondence, it is apparent that the Councils (James Mann's Letter of 8th February 2024 **[OT2]**) made their position clear during the pre-application discussions that further work was required to address matters that had not been agreed upon and actively encouraged pre-application discussions to continue before an application was submitted. This highlighted matters directly related to the principles of a masterplan, on vehicular access points and connections into and across the site, and how development would be achieved whilst maintaining a landscape-led masterplan. Other matters were also raised, including the drainage and community engagement **[AD40.1; AD40.2; AD40.3 and AD40.4]**. The Appellants ignored this advice and submitted the application, which the Councils subsequently refused. Having reviewed the original application submission, the consultation responses, the delegated reports and decision notices, I am in no doubt of the deficiency of the application and that this is set out in the reasons 2 – 13 of the decision notices **[DD5 and DD6]**.
- 5.18 The upshot is that the Councils were (and remain) firmly of the view that the application was made prematurely, and that there was a significant amount of masterplanning work that still needed to be done. In accordance with the policy expectation, this work ought to have been undertaken collaboratively with the Joint Councils.
- 5.19 With the deficiencies in the application submission in relation to, amongst other matters, archaeology, flooding/drainage, ecology and biodiversity net gain, HRA and open space/landscaping, it is clear to me that the information required to fully inform the masterplanning of the proposed development was absent.
- 5.20 For example, the absence of undertaking the necessary archaeological investigations i.e. trial trenching even though it was identified in the principal policies explanatory text at paragraphs 8.28 **[DP1]** and 12.220 **[DP2]** the high archaeology potential of

the site having regard to the lack of previous investigation and large size of the proposed development area. Paragraph 12.220 states “*this site has never been the subject of systematic archaeological investigations and previously unidentified remains may exist on the site which could be damaged or destroyed by development*”. In the absence of appropriate archaeological evaluation it could not have been concluded if the development needed to accommodate for the preservation in situ of any sites of national importance that might be defined. Instead this important consideration, which could have impacted the amount of space available for housing and other uses, only commenced after the appeal had been lodged with trial trenching commencing on the 30th September 2024.

- 5.21 Another example of the deficiencies of the masterplanning approach undertaken for the application is the drainage strategy. The Appellants have revised their Drainage Strategy as part of this appeal process (and this is still yet to be agreed with SCC). At the time of writing this Proof there is still not a technical drainage strategy agreed for the proposed development. Yet it is important to have an understanding of the size and location of the required SuDS infrastructure required in order to properly undertake an informed masterplanning exercise, in particular in relation to the issues of Open Space, SANGS and effective transition to the countryside.
- 5.22 As was referenced in the Councils Statement of Case (Para 7.13) **[SC3]** the Appellants submitted the application with professional representation in the form that they wished the Councils, as the Local Planning Authorities, to determine. The validation process is not the mechanism through which to determine the adequacy of the information in support of the application, that is for the consultation and assessment process. The Appellants were advised during pre-application discussions that there remained many outstanding matters and an application should not be submitted until these were resolved (James Mann’s Letter of 8th February 2024)**[OT2]** and other email correspondence between the Councils and Appellants **[SC3 and AD40.1; AD40.2; AD40.3 and AD40.4]**. It was the Appellants’ choice, as they are entitled, to submit an application. The Councils are under no obligation to request or accept new information once an application has been submitted. The NPPF makes it clear the benefits of pre-application advice to enable a smoother process through the planning system.

Issues with the Appellant’s approach to masterplanning - substantive

- 5.23 Substantively, the reasons for refusal include a number of matters which were listed among the ‘matters to be addressed’ as part of the masterplanning process within the principal policies, including: the extent of the land available to function as a green buffer to ensure an effective transition from the urban edge to the countryside; the amount and distribution of open space; and the loss of sports pitches. These are all matters which could and should have been addressed as part of a masterplanning for the site.
- 5.24 The Appellants at paragraph 4.9 of their Statement of Case **[SC1]** have remarked that Policies ISPA4 and SCLP12.24 do not explicitly require a masterplan to be produced. It is accepted that neither policy list “a masterplan” as a specific document which must be provided with any application for the development of the site, but the policies state that “*Development will be planned and comprehensively delivered*

through masterplanning of the site". I do not intend to debate whether the correct grammatical term has been used in this circumstance. I would contend it is clear to all parties that a process of masterplanning, in conjunction with the Joint Councils, is required by these principal policies. This would result in an end product and that could logically be described as a masterplan.

- 5.25 The Appellants have stated that a process of masterplanning has been properly followed. It is not disputed that there would have been a level of masterplanning undertaken. This is reflected in, for example, the submission of a number of Parameter Plans **[AD2(2-9)]**. However the Councils' view, with which I agree, is that the process undertaken was inadequate and this is what has led to a proposal which has not been demonstrated to be policy-compliant or acceptable in planning terms.
- 5.26 I start with the matter of the housing numbers for this site allocation, as clearly set out in the principal policies ISPA4 and SCLP12.24. This is a matter I address in greater depth in Issue 9 - Quantum of Housing. The proposal is for 660 dwellings, some 61 dwellings greater than the indicative allocation. Policy ISPA4 allocated 449 for the Ipswich Borough part of the site allocation and SCLP12.24 allocated for 150 dwellings in the East Suffolk District. The quantum of housing allocated in the principal policies was discussed and agreed as part of the Local Plan examination. However, this is not the number sought for the appeal application.
- 5.27 I accept that the housing allocations are approximate and not a cap (but nor are they a minimum). One of the roles of a proper masterplanning process is to establish the appropriate number of houses that the site can accommodate, having regard to the allocated numbers, but also to the policy requirements and site constraints. The number of houses promoted by the Appellant is not the product of such a process. Instead, as explained in their Planning Statement **[AD33]**, the figure of 660 was arrived at simply by taking 60% of the overall site area (18.86ha), and assuming an average of 35dph across that area. Neither the site constraints nor the policy requirements appear to have had any influence on the number of units being promoted.
- 5.28 The Appellant's approach to establishing the housing numbers that the site can properly accommodate was, therefore, very basic. While I acknowledge that Policy ISPA4 states that *"60% of the site within Ipswich Borough is allocated for housing and 40% is allocated for secondary uses, comprising open space and other green and community infrastructure"* this does not provide support for this approach. Firstly, this allocation of uses in ISPA4 is expressly subject to a masterplanning process, and the achievement of policy requirements. Secondly, it applies only to the ISPA4 site, with the SCLP12.24 not being subject to this 60:40 split (and yet the Appellant has applied the split to the entire site). Thirdly, the policy (and the split) assumes that the entire allocation is coming forwards, when the appeal proposal does not achieve this (see below). Fourthly, the assumption of an average of 35dph has not been justified, and is not the product of a design-led approach. It is apparently simply based on Policy DM23 **[DP1]**, which establishes density requirement of at least 35dph, but this ignores that this is subject to exceptions having regard to the *"site location, characteristics [and] constraints"*, with the supporting text noting that *"Sites on the urban edge of Ipswich may require lower densities in certain circumstances where*

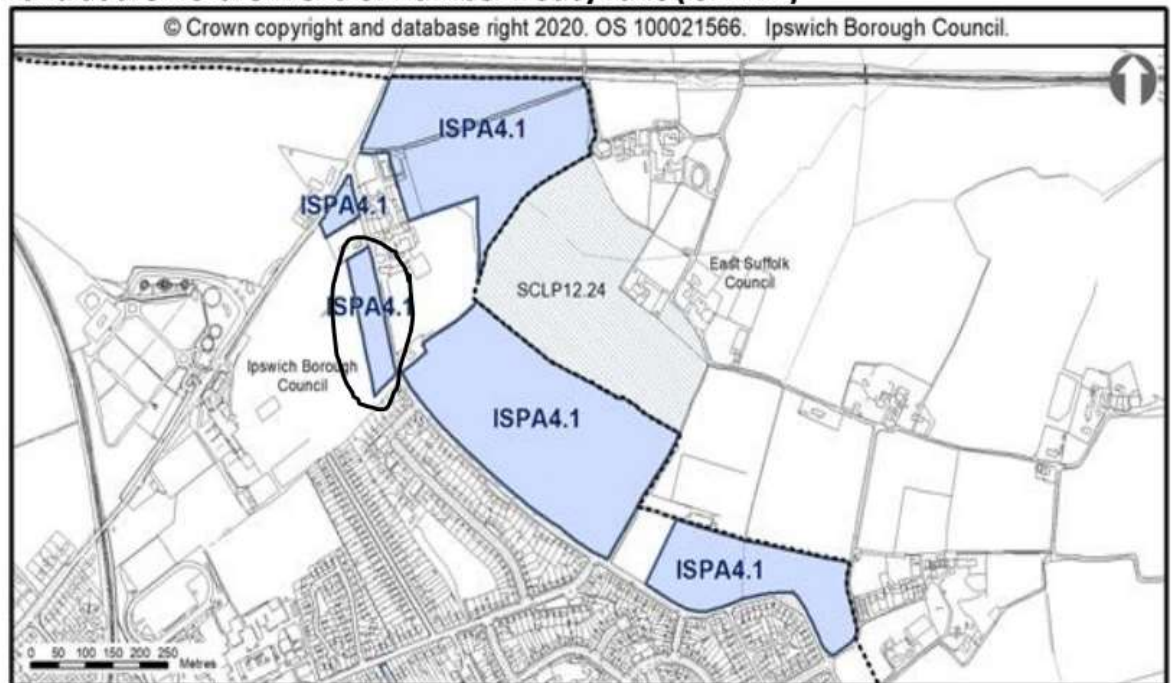
development needs to respond sensitively to the adjacent countryside and surrounding character.” (at paragraph 9.222)

- 5.29 The submission does not include any justification for the higher numbers and how this can be achieved whilst meeting Local Plan policy requirements. It is not disputed that some masterplanning has been undertaken but there is no proper explanation of how this development can be successfully delivered in accordance with policy. For instance, the DAS **[AD16]** does not include any land use budget to demonstrate how the higher housing numbers can be achieved, whilst still meeting the requirements for secondary uses, such as the mixed use area (including early years setting); highway infrastructure, open space and SuDS infrastructure.
- 5.30 In the absence of any land use budget provided by the Appellants, the Councils commissioned Mr Russell-Vick to undertake a land use budgeting exercise. The results of this exercise are set out in a series of tables, a plan and an explanatory note which form **Appendix A** to this proof. The tables demonstrate that, even assuming that SANG provision is able to overlap entirely with the provision of Natural and Semi-Natural Green Space, provision for children and SuDS (which has yet to be demonstrated), the appeal scheme for 660 dwellings (at 36.56 dph) would result in a substantial deficit of 6.04 ha of land for open space and other secondary use provision versus the overall requirements in the relevant Development Plan policies.
- 5.31 By contrast, a potential alternative scheme for 599 dwellings (in line with the allocation number), which brings forward the entirety of the site allocation, at a slightly higher average density of 37.5 dph (but with density staggered across the site to take account of the character of different parts of it), is demonstrated to leave only a small deficit in open space uses of 0.86 ha; much less than the deficit for the appeal scheme. In order to reduce this deficit, the average density could be slightly increased, but not so much as to change the character of the scheme and increase effects, and/or some or all of the Councils' required provision of sports facilities could be accommodated off-site. These are choices that could be made as part of a detailed joint masterplanning exercise with the Councils, of the kind which the Councils would have expected the Appellants to engage in during the pre-application period. The implications of the land use budget produced by Mr Russell-Vick for housing quantum and open space provision are addressed further below at paragraphs 5.123 to 5.166.
- 5.32 The Councils do not put forward the Land Use Budget as the only, or even the preferred way, in which the allocated site should come forward. However, this exercise demonstrates not only the inability of the appeal scheme to provide policy compliant levels of SANG or Open Space (see below); but also demonstrates the type of process that the Appellant ought to have gone through in order to calculate the appropriate number of houses that the allocation can accommodate, and (if appropriate) to justify the increase from the allocated amount.
- 5.33 In addition to the appeal scheme proposing 61 dwellings over the allocation number, the appeal site does not cover the total area of the allocation. It does not bring forward the land on the eastern side of Humber Doucy Lane - see circled part of the ISPA4 allocation below. The site in question has been recently promoted for development under a separate application IP/24/00510/FUL **[OT21 and OT21.1]** (which has been

withdrawn). The allocation was promoted throughout the Local Plan processes on the basis that the land was in the control of the same landowner. It was intended to come forward as a comprehensive development.

- 5.34 The Appellants suggest that this parcel is not being promoted because it is not in their control. No further explanation has been given as to why it has not been possible to obtain control of the land, given that it was recently in the control of one owner. But in any event, the Masterplan for the allocation as a whole should have included this area in order that a comprehensive approach could be taken to the development of the allocation. For example, if this approach had been taken it may have been possible to include residential development on this land, reducing the amount of land take necessary for development in the areas to the north and north-east of the allocation and allowing a meaningful and effective transition to the countryside.

Land at the Northern end of Humber Doucy Lane (ISPA4.1)



- 5.35 As I have set out above there have been clear deficiencies in the masterplanning that need to be considered in how the site could be brought forward, including the available developable site area. As a starting point in the absence of knowing if there were any archaeological finds that would need to be retained in situ it raises the question to whether all of the site allocation could be developed and how this would affect the allocation of land uses.
- 5.36 On the matter of SuDS infrastructure, an acceptable drainage strategy remains unresolved from a technical perspective, even with the additional information that the appellants have submitted through the appeal process. The drainage strategy ought to have been completed in tandem with the masterplanning process as it is required to inform the decisions on the land uses and landscape strategy e.g. whether the SuDS infrastructure has ramifications for the amount of open space available for SANGS or other open space typologies, and how it may affect the ability of the land

to act as a transition buffer to the countryside. Matters that would have required consideration include the size and design of the attenuation basins and if these will be permanently wet. This is a matter that has been detailed within Ms Chittock's Proof of Evidence (Paragraphs 6.8 to 6.29).

- 5.37 In simple terms the application has failed to demonstrate an acceptable scheme for the appeal site and this, the Councils consider, is at least in part the result of failing to undertake the required level of masterplanning to properly inform the proposed development. The deficiencies in the application, which have led to the reasons for the refusal, are at least in part the result of a failure to demonstrate how the component parts have shaped the proposed development and that the allocated site will come forward in an acceptable form of development which is coordinated and comprehensively planned. The failure to adequately masterplan the site, has led to a number of deficiencies with the proposal. As will be detailed below, the lack of masterplanning has contributed to: the lack of policy compliant open space; a failure to provide the required HRA mitigation; the loss of sport pitches; the failure to provide an effective transition buffer between the proposed development and the countryside, as well as to allow for an appropriate design treatment to Humber Doucy Lane; the failure to provide an acceptable drainage strategy for the site; and a development that has been demonstrated to provide a safe access. In addition, the lack of a masterplanning exercise is a breach of policy in its own right, because it fails to achieve what the principal policies specifically required for this site. Taking those matters together, I consider that this matter should be given **very substantial weight** in the planning balance.

Main Issue 2 – Highway Matters

- 5.38 The issue is detailed in **Luke Cantwell-Forbes** (SCC as Highway Authority) Proof of Evidence which is relied upon by the Councils.
- 5.39 The Appellants in their Statement of Case (Paragraphs 4.24 and 4.25) **[SC1]** have referred to SCC not having an objection in principle to the proposed development but a Holding Objection until further information was received. The Appellants have advised they were not given the opportunity to respond to those objections. I do not intend to reiterate comments already made on these matters but, as set out in the Councils' Statement of Case **[SC3]** and as I have addressed in this Proof, the Appellants chose to submit the application prematurely, and contrary to the advice of the Councils.
- 5.40 The SCC Statement of Case (Highways) **[SC2]** sets out the reasons why the Highway Authority had a holding objection to the application. This included that the application failed to fully assess the impacts that the development may present on the local highway network and any mitigation that may be required. In addition, the proposed development does not adequately assess the opportunities to ensure the opportunities to promote walking, cycling and public transport are identified and secured. and as such it cannot be confirmed the proposed development would not cause unacceptable harm to highway safety and impacts. This is contrary to paragraph 117 of the National Planning Policy Framework 2024 (NPPF).

- 5.41 Whilst the principal policies ISPA4 and SCLP.12.24 do not have the same policy wording, they both require consideration of the transport impacts of the proposed development. ISPA4(f)(v) lists the transport measures as: highway and junction improvements on Humber Doucy Lane and Tuddenham Road; walking and cycling infrastructure to link the site to key social and economic destinations including the town centre, and local services and facilities; public transport enhancements; and appropriate transport mitigation measures that arise from demand created by the development, in line with the ISPA Transport Mitigation Strategy. SCLP12.24 requires a transport assessment to be submitted to identify any necessary improvements to highways and junctions on Humber Doucy Lane and Tuddenham Road, with part (g) requiring the promotion of the use of sustainable modes of transport.
- 5.42 The promotion of pedestrian and cycle links is also supported by specific highway policies within each Development Plan. IBC Policy DM21 requires development to promote sustainable growth in Ipswich including the prioritisation of pedestrian and cycle options to enable and support travel on foot, by bicycle or public transport and this should be in accordance with the design principles of Policy DM12. ESC Policy SCLP7.1 also states developments will be supported where *“All available opportunities to enable and support travel on foot, by cycle or public transport have been considered and taken.”*
- 5.43 The Council each also have their own specific transport policies (DM21 (IBC) – Transport and Access in New Developments and SCLP7:1 – Sustainable Transport (ESC)), which set out criteria that need to be addressed within an application, as well as information required under Local Validation Lists.
- 5.44 The principal and transport-specific policies align with the provisions of the NPPF around ‘promoting sustainable transport’ and ‘promoting health and safe communities’ (Paragraphs 96, 109, 115, 117 and 135 (f)).
- 5.45 The Highways Statement of Common Ground has set out the matters that remain in disagreement between the Appellant and SCC **[SoCG4]**. I will rely on Luke Cantwell-Forbes to provide the detailed evidence of those matters.
- 5.46 This leaves the issue of internal connectivity between the parcels of land. An effective masterplanning process would have addressed the permeability of the various parcels of land which make up the allocation could be addressed, in particular the connections between Parcels A2 to E1 and E2. The appeal scheme fails to do this. As the Pedestrian Movement Parameter Plan **[AD2(6)]** and Proposed Access Strategy Sheet 4 of 6 **[AD2(10)]** show, this connection is poorly designed. Residents in Parcels E1 and E2 (who may, for example, want to access a convenience store located in the main Parcel) will have to cross over Humber Doucy Lane (using a zebra crossing), walk along the footpath to the south of the road, then cross Sidegate Lane, before cross back over Humber Doucy Lane (using a second Zebra crossing) to connect into Parcel A2. Cyclists will have to take a similar route but will have to cross Humber Doucy Lane twice on the proposed dedicated cycle lanes. These movements would not be conducive to pedestrians and cyclists being prioritised, contrary to the objectives of IBC Policy DM21 and ESC Policy SCLP7.1 and Paragraph 117 NPPF.

- 5.47 The Appellant has not demonstrated that they have adequately explored opportunities for a more direct and convenient route, for instance across the Rugby Club existing access. The Pedestrian and Cycle Movement Strategy in the DAS (p81) notes an “Opportunity to retain the existing points of connection to public rights of way”, but no public rights of way currently run between Parcels A2 and E1 as has been identified on page 41 of the DAS.
- 5.48 The Councils consider that it would have been appropriate, as part of the masterplanning exercise, to at least explore the opportunity for a private right of way to be established across this area. Ipswich Rugby Club may have been willing to provide such a right had this option been explored, particularly if the appeal proposal was providing suitable replacement sports pitches for those which are being lost (see below).
- 5.49 As it stands, however, the appeal scheme’s strategy for movement between the two parcels is likely to actively discourage opportunities to travel by foot and cycle.
- 5.50 Furthermore, as Luke Cantwell-Forbes will detail, in the absence of the development being fully assessed, any necessary mitigation required to mitigate any adverse highways impacts from the development cannot be confirmed. This relates to Reasons for Refusal 13 (IBC) / 11 (ESC). In the absence of a conclusion a list of mitigation cannot be secured through a Section 106 Legal Agreement. This also relates to the planning conditions. I will discuss both the S106 Agreement and planning conditions later in this Proof.
- 5.51 Due to the harm identified and the conflict with Policies ISPA4, SCLP12.24, DM21 and SCLP7:1 of the Development Plan and the NPPF, I consider that this matter should be given **very substantial weight** in the planning balance.

Main Issue 3 – Humber Doucy Lane (IBC only)

- 5.52 I will rely on the evidence of **Luke Cantwell Forbes** on the acceptability of the vehicular access design.
- 5.53 From a planning policy and planning balance perspective it is necessary to consider the impact of the development on highway safety. IBC Policy DM21 (a) requires development not to have unacceptable impacts on highway safety with (h) requiring new development to “ensure safe and suitable access for all users, including people with disabilities and reduced mobility.” This is in line with the objectives of the NPPF at Paragraph 115 requiring a safe and suitable access to the site can be achieved and Paragraph 116 on highway safety.
- 5.54 Due to the harm identified and the conflict with Policy DM21 of the Development Plan and the NPPF, I consider that this matter should be given **very substantial weight** in the planning balance.

Main Issue 4 – Landscape Impact

- 5.55 The evidence of **Ms Chittock** will provide the detailed evidence on this matter, particularly in respect of why the design and quantity of the open space along the north-eastern edge of the proposed development does not meet the requirements of the principal policies either to create a transition between the (new) Ipswich urban edge and the more rural landscape of East Suffolk or to provide a soft edge to the urban area through the provision of significant landscaping.
- 5.56 It is not disputed that, as a Site Allocation, the Councils have accepted there would be development introduced into a previously undeveloped site and this would expand the urban edge of Ipswich into the rural landscape of East Suffolk. This would undoubtedly change the landscape character of the site and immediate area. However, both Councils in the principal policies ISPA4 and SCLP12.24 have taken an approach consistent with Paragraph 135(c) of the NPPF, which requires plans and decisions to ensure developments are “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”. The principal policies set out clear criteria for what any proposed development should consider and provide.
- 5.57 As detailed in Ms Chittock’s Proof of Evidence the north-eastern part of the site which lies within the East Suffolk Council boundary is located in the *N2 Culpho and Westerfield Rolling Farmland* landscape character area, as set out in the Suffolk Coastal Landscape Character Assessment (2018) [L2]. The site is located within the *Land Northeast of Ipswich IP2* peripheral area, as set out in the Settlement Sensitivity Assessment Volume 1 (2018) [L1] prepared jointly by the Councils, which comprises the landscape between the existing urban edge of Ipswich and the Fynn Valley to the north.
- 5.58 As the Settlement Sensitivity Assessment Volume 1: Landscape Fringes of Ipswich notes, the area comprises ‘the plateau farmland between the existing urban edge of Ipswich and the Fynn valley to the north’. The Settlement Sensitivity Assessment Volume 1 (2018) identifies opportunities to ‘*soften and integrate the existing urban edge and wider landscape through select urban development in association with the creation of green corridors penetrating the urban fabric of Ipswich.*’
- 5.59 Recognising the sensitivity of the site, Policy ISPA4 includes specific landscape criteria, which the development of this site is expected to comply with. These include point b) which states: *Development must respect the maintenance of separation between Ipswich and surrounding settlements which is important to the character of the area. This should be achieved by the effective use of green infrastructure to create a transition between the new development/Ipswich urban edge and the more rural landscape character of East Suffolk” (emphasis added)*
- 5.60 In addition both Policies ISPA4(f)(iv) and Policy SCLP12.24 (f) require the “*provision of a soft edge to the urban area through the provision of significant landscaping*”.
- 5.61 Rushmere St Andrew Neighbourhood Plan Policy RSA 2 – Land at Humber Doucy Lane requires that “*development proposals should make provision for a significant reinforcement of existing planting and additional native tree planting of local*

provenance along the north-eastern / eastern boundary of the site adjoining Tuddenham Lane and in the vicinity of existing residential properties off Tuddenham Lane. In particular, the planting scheme should be designed on the premise of maintaining the separation of the enlarged urban area of Ipswich with the rural and tranquil nature of this part of the Neighbourhood Area and proposals should be accompanied by a management plan which will ensure the successful establishment of the new planting and its continued growth through to maturity.”

- 5.62 As Ms Chittock’s proof demonstrates the appeal proposal does not meet these policy objectives. See, in particular, section 6 of her proof. Put simply, the quantity and quality of open green space provided on the north/north-eastern boundary of the allocation, where the interfaces with the countryside, is inadequate to provide an effective transition between the new urban edge and the rural landscape character beyond, and does not allow for the provision of a soft edge through the provision of *significant* landscaping. This is particularly so given the variety of functions this area is supposed to perform including hosting SuDS infrastructure, SANG, other (formal) open space and the Green Trail. As Ms Chittock notes, it appears that the landscape has been fitted in around the edges of the housing, which has resulted in a poorly designed site with a squeezed buffer layout.
- 5.63 I note that the Appellants have made reference to the delegated report **[DD4]** at Paragraph 4.54 of their Statement of Case **[SC1]**, citing the description of the open space buffer as “substantial”. Having reviewed the delegated report, this adjective was used within the description section of the proposed development as submitted, and is not part of the planning assessment of the suitability of the space. It certainly does not reflect the Councils’ (or my) views as to the extent of the buffer provided.
- 5.64 The Appellants have also suggested that increasing the size of the buffer would be at the expense of reducing other green space elsewhere on a site-wide basis. This is incorrect. It assumes that the amount of housing is fixed at 660. As the Potential Alternative Scheme (**Appendix A**) which has been worked up by Mr Russell-Vick demonstrates, a proposal which came forward with 599 homes (the identified number in the principal policies) across the entire allocation would be able to achieve substantially more open space, with a far more significant green buffer to the north/north-east of the allocation. Indeed, on this alternative, Area D of the allocation, which is, as Ms Chittock identifies (at paragraphs 6.30 and 6.31), is particularly important to the transition of the site from the urban form along Humber Doucy Lane to the open agricultural land and river valley to the north, is dedicated entirely to open space uses.
- 5.65 In addition, Ms Chittock explains how the appeal scheme fails to provide sufficient space along the Humber Doucy Lane frontage to allow for the establishment of substantial new hedge and tree planting. Ms Chittock explains why providing such a this is an important design objective, and how the appeal proposal fails to accommodate this.
- 5.66 In my view the appeal scheme has failed to meet the specific landscape requirements of the principal policies, and failed to respond appropriately to the sensitive edge of settlement location. Due to the harm identified and the conflict with Policies ISPA4; SCLP12.24; DM12; SCLP.10; RSA2 and RSA9 of the Development Plan, as well as

Paragraphs 135 and 139 of the NPPF I consider that this matter should be given **substantial weight** in the planning balance.

Main Issue 5 – Flooding and Drainage

- 5.67 The evidence of **Benjamin Locksmith** of SCC will be relied upon. SCC's Statement of Case **[SC2]** has identified the appeal application was submitted with deficient information and therefore contrary to policy and legislation and prevented a positive decision from being made.
- 5.68 As I understand from Paragraph 6.45 of SCC's Statement of Case **[SC2]** since the appeal was lodged the LLFA has reviewed information not considered as part of the application, the subject of this appeal. This information is dated May 2024 (received 22nd May 2024) **[CDXX]**¹² and was submitted by the Appellants in response to the holding objection received from the LLFA. SCC has confirmed in their statement of case points 1, 2, 3 and 4 of the LLFA objections in their consultation response have been resolved and this position has been confirmed in a topic-based Statement of Common Ground **[SoCG5]**.
- 5.69 This Statement of Common Ground has also confirmed at Paragraph 18 that following discussions during the appeal process the Appellants have submitted a revised drainage strategy drawing **[APD1]** confirming the Early Years setting as part of the development parcel within which it sits, and as none of the development parcel are proposed to be subject to any flow restriction under the submitted Drainage Strategy, Point 8 of the LLFA's Holding Objection is also resolved.
- 5.70 As evident in the last sentence of Paragraph 6.45 of the SCC Statement of Case **[SC2]** there remains outstanding objections to the appeal development as referenced at points 5, 6, 7 and 9 of the FFLA consultation response (30th April 2024) **[AD12]**.
- 5.71 From a planning policy and planning balance perspective it is necessary to consider the impacts of the development upon flooding and surface water drainage. The principal policies ISPA4 and SCLP12.24 list the requirement for a Flood Risk Assessment to form part of the application. The submitted FRA and Drainage Strategy **[AD10.1; AD10.2 and AD10.3]** received a holding objection on the basis it had not demonstrated that the proposed development would not cause flood risk elsewhere and is safe for the lifetime of the development.
- 5.72 Both Councils have specific policies relating to flooding and drainage. IBC's Policy DM4 lists specific requirements that a development needs to comply with to be supported. East Suffolk has SCLP9.6, which is applicable to this proposed development given its scale (over 10 dwellings), requiring SuDs to be used to drain surface water and criteria that need to be met, including contributing to the design quality of the scheme. Policy RSA9(e) of the Rushmere St Andrew Neighbourhood Plan requires that development not result in water run-off that would add to or create surface water flooding.

¹² Position set out in letter from Kevin Coleman dated 5th November 2024.

- 5.73 The application did not demonstrate compliance with the criteria and, with the LLFA continuing to maintain an objection to the proposed development, still does not comply with the Development Plan policies. It could not demonstrate it would satisfy all of the required criteria and the LLFA was not satisfied that an acceptable SuDS scheme had been proposed within the application.
- 5.74 As will be evidenced by Benjamin Locksmith, there remain matters on flooding and drainage that have not been addressed, even when considering the new information that has been provided. I must therefore conclude, in the absence of the objections of the LLFA being addressed, the proposed development cannot be said to not increase off-site flood risk nor include an acceptable drainage strategy, which provides adequate provision from flooding for the development to be safe for its lifetime.
- 5.75 Due to the harm identified and the conflict with Policies ISPA4, SCLP12.24, DM21, SCLP9.6 and RSA 9. of the Development Plans and Paragraphs 181 and 182 of the NPPF. I consider that this matter should be given **substantial weight** in the planning balance.

Main Issue 6 – HRA/SANGS

- 5.76 The evidence of **James Meyer** in his proof of evidence provides the detailed evidence to why the Councils cannot conclude that there will be no adverse impact on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA), Stour and Orwell Estuaries Ramsar Site, Sandlings SPA, Deben Estuary SPA and Deben Estuary Ramsar Site based on the mitigation measures presented.
- 5.77 This matter engages the duty under the Conservation of Habitats and Species Regulations 2017, regulation 63, where permission should not be granted unless the competent authority are satisfied that the development when subject to any necessary conditions or limitations, would not have any adverse effect on the integrity of a European site or a European offshore marine site.
- 5.78 It is important to note that it is the Appellants' responsibility to demonstrate the development will not adversely affect the integrity of European designated site and the Councils' position is that, to meet the relevant policies and Habitats Regulations requirements for this development, sufficient open space and SANG, which meets the SANG standards, is required.
- 5.79 As set out in the Statement of Common Ground [**SoCG9**] there is no disagreement that the application site is within 13 km of the Stour and Orwell Estuaries Special Protection Area (SPA); the Stour and Orwell Estuaries Ramsar Site; the Sandlings SPA; the Deben Estuary SPA and the Deben Estuary Ramsar Site.
- 5.80 The principal policies both require the proposed development to address this potential impact. Policy ISPA4 includes among its requirements "*A project level Habitat Regulations Assessment will be required and Suitable Alternative Natural Greenspace (SANGs)*" (ISPA4(f)(iii)). This policy criterion was supported by the explanatory text at Para 8.30 "*A concentration of housing in this location is likely to require a bespoke Suitable Alternative Natural Greenspace (SANG) in addition to*

contributions towards the Recreation Avoidance Mitigation Strategy, to function as an alternative to the coast. As proposals for the site progress, consideration should be given to how the nearby SANG being delivered as part of the Ipswich Garden Suburb and wider footpath network, may be linked to any new SANG provision.”

- 5.81 SCLP12.24 also has the criterion for a project level Habitats Regulations Assessment. The explanatory text states *“Project level Habitats Regulation Assessment will be required and should be carried out alongside the masterplanning process, considering the whole site along with the adjacent allocation in Ipswich Borough. Project level HRA will need to demonstrate that adverse effects can be prevented with long term mitigation measures.”* (Para. 12.222).
- 5.82 The application was submitted with a document entitled “Information to inform Habitats Regulations Assessment” **[AD30]**. The mitigation measures proposed were:
- 11.5ha of open space and green infrastructure
 - High-quality, informal, semi-natural areas
 - Circular dog walking routes of 2.7 km within the site and/or with links to surrounding Public Rights of Way
 - Dedicated ‘dogs-off-lead’ areas
 - Signage/information leaflets to householders to promote these areas for recreation
 - Dog waste bins
 - A commitment to the long term maintenance and management of these provisions.
- 5.83 As James Meyer has detailed in his proof of evidence the Councils are not satisfied with the measures proposed, in terms of their deliverability and appropriateness to provide the avoidance and mitigation required.
- 5.84 He explains that a development of 660 homes would require 12.67Ha of Suitable Alternative Natural Green Space (SANG). He acknowledges, however, that, having regard to off-site dog-walking routes within the vicinity of the site, the provision of 11.5Ha of onsite SANG would be sufficient to mitigate any potential adverse impacts. However, he concludes that the appeal scheme does not secure 11.5Ha of onsite open space which qualifies as SANG.
- 5.85 This is for three reasons. First, the 11.5ha appears to include a small area of open space which is entirely disconnected from the main parcels where the housing is to be located. Second, even on the Appellant’s own information, only 9.56Ha of the open space is proposed to be Natural & Semi Natural Green Space - the primary typology of open space that is suitable for SANG provision. So, on the Appellant’s own figures there is a significant shortfall in the amount of SANG required. Third, a significant amount of that 9.56Ha is to include SUDS basins, play space and other infrastructure, and the Appellant has failed to demonstrate that this can all be accommodated, whilst ensuring that the SANG is sufficiently attractive and accessible to provide an alternative to recreational visits to the protected sites.
- 5.86 It has not been demonstrated that the proposal provides the mitigation necessary to ensure that it does not have any adverse effect on the integrity of the European sites.

It follows that the competent authority, (the Inspector for the appeal), is not permitted to grant permission for the scheme, unless there are imperative reasons of overriding public interest (Regulation 64). It has never been suggested that this exception applies to the appeal scheme.

- 5.87 Policies CS17 and SCLP10.1 are also applicable to the proposed development as the development falls within the Zone of Influence for one or more designated European sites scoped in the Suffolk Coast RAMS **[SPD1.1 and SPD1.2]**. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy sets out a coordinated, cross-boundary approach to avoid and mitigate the impacts of the residential development set out in the Suffolk wide Local Plans. The avoidance and mitigation measures are to be funded via developer contributions as part of planning permissions given for new residential development. For the Councils this is secured through Policies CS17 and SCLP10.1 whereby a financial contribution to the Suffolk RAMS is required in addition to any on-site mitigation measures.
- 5.88 At the time the decisions were made, no S106 Legal Agreement had been completed and therefore compliance with this policy was not secured. The Appellants in their draft S106 Heads of Terms **[APD5]** have included an obligation towards the payment of RAMS. Should the required financial contribution be secured by a completed S106 Legal Agreement this part of the reason for refusal would be addressed. At the time of writing this Proof the S106 Legal Agreement **[APD2]** remains in draft form.
- 5.89 Due to the harm identified and the conflict with Policies ISPA4; SCLP12.24, DM8 and SCLP10.1 of the Development Plan, I consider that this matter should be given **very substantial weight** in the planning balance.

Main Issue 7 – Loss of Sports Pitches

History of the use of the Rugby pitches

- 5.90 The loss of sports pitches is contrary to Local Plan Policies ISPA4(f)(ii) and DM5. To understand the rationale behind this conclusion, as queried by the Appellants, it is important to first provide a commentary on the planning history in relation to the use of part of the appeal site for sports pitches (playing field). There also needs to be an understanding of the planning history of the wider rugby club site.
- 5.91 The playing fields which fall within this appeal site are part of the overall facility provided by Ipswich RFC, which lies to the north of the site within the East Suffolk area. This has been used in connection with sports (Ipswich RFC) since at least the 1970s and is a well-established facility with youth teams and women's and men's senior teams.
- 5.92 Ipswich RFC received temporary permission for a change of use from agriculture to sports use in 1992 (ref. IP/92/00526/FUL) **[OT3.1]**. This was extended in 1994 (IP/94/00750/FUL) **[OT3.1]** and a further temporary permission for playing fields for 5 years was granted in 1996 (IP/96/00729/FUL) **[OT3.1]**. Since then, this part of the appeal site has received further temporary permissions, with the last expiring in August 2019 **[O3.1]**. The temporary permission limited the use to Sundays between 10am to 12:30pm and required that the playing fields not be used at the same time as the existing senior pitches.

- 5.93 Although the most recent permission has expired, the playing fields continue to be used by Ipswich RFC and comprise two full-sized rugby pitches and training areas for “mini rugby”. The Club has advised that the pitches have been used for matches and training on hours outside of those specified by the long-standing condition to the permissions, including during weekday evenings in Spring and Summer.
- 5.94 The continuing use of the rugby pitches is, I understand, not disputed. As detailed in paragraph 2.20 of the IBC Delegated Report on the Planning Application [DD4], it is evident from the site visit in April 2024 the playing field use has not ceased. This is consistent with the evidence provided by the Appellants, as described in paragraph 3.19 of the Open Space Assessment submitted with the Planning Application (‘OSA’) [AD15].
- 5.95 Ipswich RFC’s representation to the Planning Application [CDXX]¹³ explains that the club is successful and is growing quickly in respect of girls and women’s rugby. It regularly hosts youth and junior events that utilise the whole of the club’s space including regional events. Ipswich RFC advise that the loss of pitches would be detrimental to the club’s ability to service the requirements of young people annually and to run an adequate senior programme. They request the equivalent or better provision is adopted to ensure the community value of Ipswich RFC is enhanced not eroded.
- 5.96 From this representation, I am of the opinion the playing fields have a recreational benefit, are of community value, and are important to the successful operation of Ipswich RFC. I understand that this may be further substantiated by evidence provided by representatives of Ipswich RFC who wish to attend the Inquiry.
- 5.97 The use of the Rugby Pitches appears to have potentially exceeded the limitations of the temporary permission last granted eight years ago but it is a use tolerated by IBC with no enforcement action being taken.

Policy Background

- 5.98 Policy ISPA4(f)(ii) includes a specific requirement that the development provide “*Replacement sports facilities if required to comply with policy DM5*”. This was in specific recognition that the allocation area included the Rugby Pitches used by Ipswich RFC.
- 5.99 It is notable that this requirement was included in the Local Plan, and found to be sound, even though by the date that the Regulation 19 Plan was published (January 2020) the most recent temporary permission had lapsed. The requirement was therefore included in the adopted plan notwithstanding that planning permission to use the pitches had expired.
- 5.100 It is also notable that this requirement was discussed at the examination hearings, with the Inspector asking whether “*the proposed allocation be enlarged to allow for the future expansion of Ipswich Rugby Football Club or would the provisions of Policy*

¹³ Representation from Ipswich RFC dated 24th April 2024.

DM5 and criterion b of Policy ISPA4 ensure the needs of the Rugby Club for replacement or additional facilities are met?”

- 5.101 The response of the Phase 2 Planning on behalf of Kesgrave Covenant Ltd **[PP24]** was: *“The provisions of Policy DM5 and ISPA4 cover the need to consider any replacement land required for the Rugby Club. KCL has maintained contact with the Rugby Club over many years and has previously discussed the possibility of relocation or replacement facilities in the event that the land is allocated for development. KCL controls significant areas of additional land within the immediate locality which could provide either replacement or additional facilities to meet the Club’s requirements, and KCL is happy to continue to liaise with the Rugby Club regarding the most appropriate options.”*
- 5.102 This response is consistent with the draft Masterplan which Phase 2 Planning had previously submitted on behalf of Kesgrave Covenant Ltd as part of both the IBC and ESC Local Plan preparation **[PP11]** which shows replacement sports pitches being provided outside (but adjacent to) the allocated site.

Policy requirements

- 5.103 Policy DM5, in accordance with paragraphs 103 and 104 of the NPPF, seeks to protect existing open spaces, sports and recreation facilities and sets out the criteria for when development involving the loss of open space for sports and recreation will be permitted. These criteria are: *“(a) the site or facility is surplus in terms of all the functions an open space can perform, and is of low value, poor quality and there is no longer a local demand for this type of open space or facility, as shown by the Ipswich Open Space, Sport and Recreation Facilities Study 2009 (as updated in 2017) and subsequent update; or (b) alternative and improved provision would be made in a location well related to the users of the existing facility; or (c) the development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.”* It should be noted that all three parts of criterion (a) must be satisfied for this exception under policy DM5 to apply, since they are not presented as alternatives. In other words, a facility must be in surplus **and** it must be of low value/poor quality **and** there must be a lack of local demand for the facility before it can be considered that criterion A applies.
- 5.104 The site-specific policy at ISPA4(f)(ii) refers back to Policy DM5 and states that if replacement sports facilities are required they must comply with its criteria. Policy DM5 is clearly relevant to the consideration of this appeal and the Appellants have not argued to the contrary. Instead, they have suggested at paragraphs 4.109 - 4.120 of their Statement of Case **[SC1]** that the development should be permitted because criteria (a) and (b) of Policy DM5 are satisfied. Criterion (c) does not apply because the proposed development is not for alternative sports and recreation provision.

Criterion A: Is the facility in surplus, of low value, and not in demand?

- 5.105 The Appellants’ Statement of Case (drawing on the OSA) argues that:
- a. There is a surplus of playing fields generally and rugby provision in particular in this part of Ipswich, including two local rugby clubs providing opportunities for youth and adult participation (paragraph 4.110).

- b. The only evidence to the contrary is the ESC Open Space Report (2021) [OT6], upon which the representations of Ipswich Rugby Club, Sport England and the Rugby Football Union also relied (paragraphs 4.112-4.113).
 - c. There is no wider recreational benefit from the facility above the 2.5hrs per week for rugby use only which was the subject of the previous temporary permissions (paragraph 4.115).
- 5.106 The Appellants do not outright state that they consider criterion (a) to apply in their Statement of Case, but they seem to imply that it might in paragraphs 4.110 - 4.115. If the Appellants are suggesting that criterion (a) is satisfied, I disagree for two reasons.
- 5.107 First, the criterion (a) has three elements, all of which need to be met in order for the exception to apply. It must be demonstrated that there is a surplus of provision **and** it is of a low value/poor quality **and** that the facility is not in demand. Demonstrating a surplus of provision is not enough. In the present case, the appellant has (rightly) not sought to argue that the rugby pitches are of a low value/poor quality. And there is a clearly demand for the playing fields, as accepted by the Appellants at paragraph 4.116.
- 5.108 Second, it is not accepted that there is a surplus of playing fields or rugby provision in the area surrounding the proposed development to meet this evident demand.
- 5.109 Regarding the demand for the rugby pitches, as detailed in the IBC Delegated Report to the Planning Application [DD4], the club is active and in constant use throughout the week including weekends. The playing field is clearly in-demand and its loss without replacement would have a detrimental impact on Ipswich RFC and the community value of this sports provision. The Appellants recognise at paragraph 4.116 in their Statement of Case that the *“pitches are used, and self-evidently their usage implies a demand.”*
- 5.110 The Ipswich Open Space, Sport and Recreation Facilities Study 2009 (as updated in 2017) referred to the Ipswich Playing Pitch Strategy 2009, which has been relied on to inform the need for additional or enhanced outdoor playing pitch facilities to be provided in connection with new development and the need to protect existing facilities where development may be proposed. The Ipswich Playing Pitch Strategy detailed that, whilst calculations suggested at the time that there was an oversupply of rugby pitches in Ipswich Borough, there had been an increased uptake in mini/junior rugby in recent years before the publication of the Strategy and this had been reflected in the pressure placed on the core rugby site at Ipswich RFC. The 2021 projections in the 2009 Playing Pitch Strategy suggested there would be an undersupply of junior pitches by 2021. This data is now 15 years old and should be afforded some, albeit limited, weight. It does provide background information on the anticipated future demand for rugby pitches in Ipswich at the time.
- 5.111 Sport England’s representation to the planning application includes a response from England Rugby (RFU) who provide detail of the increased demand at Ipswich RFC

and the need to mitigate the loss of the playing field **[CDXX]**¹⁴. This is consistent with the predictions made about future demand in the 2009 Strategy.

- 5.112 Sport England also refer to the East Suffolk's Playing Pitch and Outdoor Sport Strategy and Action Plan (2021) **[OT6]** which identifies a shortfall of 27 match equivalent sessions on rugby union pitches and recommends protection of the existing quantity of rugby union pitches and areas used for rugby union activity. This Action Plan refers to Ipswich RFC as Site 184 - Humber Doucy Lane. As well as identifying an overall shortfall in the provision of pitches within the geographic area of East Suffolk, it provides up to date information on the facilities at Ipswich RFC and sets out recommended actions to protect and enhance the facility at Ipswich RFC.
- 5.113 The Appellants' Statement of Case identifies that the East Suffolk Playing Pitch and Outdoor Sport Strategy and Action Plan was not considered in the preparation of the OSA due to it not covering the geographical area of Ipswich Borough (paragraph 4.110). It is interesting to note that the OSA did take into account the East Suffolk Open Space Report 2021 when reviewing other open spaces typologies and using this to evidence deficits. It is unclear why therefore the same approach was not taken by the Appellants for playing pitches and outdoor sports. Had it been taken into account, this would have identified that demand for rugby union pitches currently exceeds supply within East Suffolk and the need to protect Ipswich RFC's facilities.
- 5.114 The playing fields subject to this appeal are within the Ipswich Area but they form part of the overall club facility of Ipswich RFC with the pitches and club house within the East Suffolk Area. The East Suffolk Playing Pitch and Outdoor Sport Strategy and Action Plan **[OT6]** is therefore relevant to the consideration of whether the playing fields are no longer in demand for rugby use. It is clear from this Action Plan that there is demand at this facility and there is a deficit within this part of East Suffolk. It is noted the Ipswich Playing Pitch Strategy did take Ipswich RFC into account despite part of it falling within East Suffolk.
- 5.115 I consider the loss of sports pitches to be a cross-boundary issue. The loss of the playing field subject to this appeal would have a detrimental impact on the sports provision in IBC and East Suffolk in terms of Ipswich RFC meeting the demand on its facilities. I am minded that the East Suffolk's Playing Pitch and Outdoor Sport Strategy and Action Plan **[OT6]** should be afforded some weight in the consideration of the impact on the loss of sports provision and the need to provide outdoor sports provision within a development of this scale and in this location.
- 5.116 The OSA and the Appellants' Statement of Case base the finding of surplus outdoor sports provision on the Public Open Space SPD 2017 **[SPD7]** and the Outdoor Sports Recreation Study 2009 **[OT5]**. The Public Open Space SPD does identify that there is a surplus of Outdoor Sports in the North-East. However Outdoor Sport is a very broad typology covering golf courses, sports pitches, tennis courts and school playing fields. The assessment within the Public Open Space SPD and Outdoor Sports Recreation Study based on area alone does not account for the deficit or surplus of specific sporting facilities and the demand for such facilities in the local area. It is this demand which should inform the type of sports provision provided by a development

¹⁴ Sport England consultation response to Application 24/00172/OUTFL dated 18th April 2024.

and whether a particular type of sports provision is no longer needed. The OSA and Appellants' Statement of Case base the approach to not providing replacement or alternative outdoors sports on the overall area of outdoor sports in the North East of Ipswich and disregards the use of the playing fields due to its planning history. It does not account for the clear demand identified by Ipswich RFC and Sports England, nor does it consider alternative sports uses which may also be in demand in the area.

- 5.117 The Outdoor Sports Recreation Study details that, whilst local consultation suggests that the level of provision of grass pitches is sufficient, the Playing Pitch Strategy provides the detailed research into the demand for specific sporting facilities and the supply of pitches locally. Whilst IBC do not have an up-to-date Playing Pitch Strategy it is evident from the response from Sports England and Ipswich RFC to the application and appeal and the East Suffolk PP and OS Strategy and Action Plan, that there are demand and capacity issues at Ipswich RFC. The Outdoor Sports Recreation Study details that Ipswich RFC have indicated a need for more land to accommodate increasing demand especially from junior rugby. This is also evident from an article last year in the Ipswich Star (28th November 2023 by Aleksandra Cipriak) **[OT7]**.
- 5.118 Having accounted for the views of Ipswich RFC, Sports England, the East Suffolk PP and OS Strategy and Action Plan, I am of the opinion that the playing fields are not surplus in terms of their function, are not of low value or poor quality, and that there is a local demand for this facility as identified in the Ipswich Open Space, Sport and Recreation Facilities Study 2009 (as updated in 2017). Overall, I do not consider that the suggestion by the Appellants that there is a surplus in the provision of sports pitches in the area around the proposed development is credible. Even if there was a surplus, however, it would still need to be demonstrated that the pitches were of a poor quality/low value and there was no longer a local demand for the rugby pitches in order for criterion (a) of Policy DM5 to apply and the Appellants have not been able to demonstrate either.

Criterion B: Will alternative and improved provision be made in a well related location?

- 5.119 Policy DM5(b) permits the loss of playing field if an alternative and improved provision would be made within the development or nearby "*in a location well related to the users of the existing facility*". The Appellants' Statement of Case **[SC1]** considers this to be addressed by one Multi-Use Games Area ('MUGA') (paragraph 4.119). The DAS **[AD16]** provided with the Application indicates this to be adjacent to Ipswich RFC and that it would be designed as a ball court with potential for table tennis. Whilst this does provide a level of informal recreation, it is not considered a suitable alternative (let alone improved provision) to two formal rugby pitches, and surrounding incidental space, which provide space for junior and mini teams and training space for senior teams. It is also noted that the application submission counts this towards play facilities and not outdoor sports provision pages 114 of the DAS **[AD16]**. Indeed, the Public Open Space SPD **[SPD7]** at paragraph 1.10 identifies a MUGA as falling within the provision for young people, not outdoor sport.
- 5.120 In its consultation response, Sport England indicated that its statutory objection could be overcome if the Appellants were to provide details of how "*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the*

commencement of development, by a new area of playing field; of equivalent or better quality, and of equivalent or greater quantity, and in a suitable location, and subject to equivalent or better accessibility and management arrangements. The replacement playing field should be in a suitable location close to the existing rugby club.” The proposed MUGA self-evidently does not fulfil these criteria. In any event, there would be no obligation on the developers to make it available for use by Ipswich RFC. For all of these reasons, it is not realistic for the Appellants to suggest that the proposed development satisfies criterion (b) of Policy DM5.

- 5.121 In conclusion, contrary to the Appellants’ Statement of Case, the application is not considered to meet any of the exceptions in Policy DM5, or to satisfy the requirements of ISPA4(f)(ii) and Paragraph 104 of the NPPF. The playing fields are not surplus in function, of low value and quality, and are in demand, the application does not seek to provide any outdoor sports provision either of the equivalent or enhanced provision, and the proposed development is not for outdoor sport or recreation so the balancing exercise under criterion (c) does not apply. RfR 10 should therefore be upheld and the appeal dismissed on these grounds.
- 5.122 Due to the harm identified and the conflict with Policies DM5 and ISPA4 of the Development Plan and paragraph 104 of the NPPF I conclude that this matter should be given **very substantial weight** in the planning balance.

Main Issue 8 – Open Space and Green Infrastructure

- 5.123 As set out in the Councils’ Statement of Case **[SC3]**, each Council has its own open space typologies and space requirements. Each set of policy requirements was informed by the nature of their respective districts, with the typologies required in urban Ipswich of a slightly different composition from those required in more rural East Suffolk. Details of both are set out below and elements of both sets of policies will be relevant to the application, but the Councils take the view that the IBC requirements for open space typologies should apply across the site and take precedence where there are conflicts, both because the greater part of the site lies within the IBC area and because, when completed, the proposed development will be part of the town of Ipswich (see also paragraph 5.50 of the ESC Delegated Report **[DD5]**). These are the typologies which form the basis for the Land Use Budget at **Appendix A** to this proof.
- 5.124 The proposed development has failed to demonstrate that it would provide the full range of open space typologies required by policy, appropriately distributed through the development to provide meaningful and usable spaces to the occupiers of the proposed development. Specifically, as shall be seen below at paragraph 5.129, the *total* quantum of public open space proposed by the Appellants at page 115 of the DAS **[AD16]** is less than the on-site provision of SANG required by Policy ISPA4(f)(iii), when the specifications recommended by Natural England and set out in the ESC Healthy Environments SPD **[SPD6]** are applied.
- 5.125 Even if every other open space typology included in the application documents were able to serve a dual function as SANG, there would still be an overall deficit in open space provision as against IBC policy requirements. As it is, there are several uses which are not compatible with SANG provision and thus there is a significant shortfall

in the total amount of land proposed for open space uses, regardless of whether IBC or ESC policy requirements for the typologies of open space which are not compatible with SANG are applied. It is also noted that there are specific shortfalls in the provision of parks and gardens, outdoor sports facilities, and allotments, as against IBC policy requirements in Policies DM5, DM6 and the Public Open Space SPD, though these are comparatively minor in quantitative terms.

- 5.126 I will evidence the matter of the quantum of the open space, while Ms Chittock in section 7 of her Proof of Evidence will provide the evidence on the quality of the open space proposed.

Policy requirements

- 5.127 With this cross-boundary application there are policies that must be applied from each of the Councils. I have reviewed the Councils' delegated reports **[DD3 and DD4]** and each have set out the relevant open space policies which include the typology requirements for their respective policies and for ESC the then draft Health Environments SPD now adopted. As set out above, in terms of open space typologies, this proof focuses primarily on the IBC requirements, but other ESC policy requirements around open space are still relevant.
- 5.128 For IBC, Policy DM6 sets out the requirements for new open spaces, sports and recreation facilities within new residential developments of 10 or more dwellings. Within the policy it states that the design and layout of spaces should be delivered in accordance with the detailed design criteria set out in the Public Open Spaces SPD **[SPD7]**. The open space typologies included in this SPD (Paragraph 1.10) are as follows: parks and gardens, amenity green space, natural and semi-natural green space, outdoor sports facilities, provision for children, provision for young people, and allotments. Policy DM6 also provides that *"There will be a preference for on-site provision where practicable, however off-site contributions may be appropriate depending on the size of the site and the level of existing provision within its walking catchment."*
- 5.129 It should be noted that the open space typologies included within the Public Open Spaces SPD and therefore required by Policy DM6 do *not* include the provision of SANG. SANG is a separate requirement under Policy ISPA4(f)(iii). As set out at paragraph 7.2 of the proof of evidence of James Meyer, SANG is usually calculated based on 8 ha per 1,000 population. This would give rise to an area of 12.67 ha for the proposed development but, as set out in Mr Meyer's proof at paragraph 7.15, the Councils recognise that an on-site provision of 11.5 ha of SANG would be sufficient, including an 'area discount' of 9.23% against the 12.67 ha because some of the SANG requirement is able to be provided by other identified mitigation measures.
- 5.130 For ESC, Policy SCLP3.5 on Infrastructure Provision provides that *"Open space should be provided on new residential development sites to contribute to the provision of open space and recreational facilities to meet identified needs, in accordance with Policy SCLP8.2."* Policy SCLP8.2 is specific to Open Space and sets out the Local Plan objective to *"encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community, and also to support the biodiversity, promote effective water management and to enhance the public realm"*.

It states that new residential development will be expected to contribute to the provision of open space and recreational facilities in order to benefit community health, well-being and green infrastructure.

- 5.131 The Appellants have challenged the application of ESC Policies SCLP3.5 and SCLP8.2 as “essentially irrelevant” at paragraph 4.133 of their Statement of Case, as they do not contain a quantitative standard for open space provision or for different typologies. I am of the opinion that these policies should be applied to the development as the acceptability of the open space provision is not just about the quantum and type but also about the quality and these policies set out important principles which inform the quality of open space required from the proposed development. For further qualitative detail on the open space proposed as part of the proposed development, see section 7 of the proof of evidence of Ms Chittock.
- 5.132 The explanatory text for policy SCLP8.1 on Community Facilities and Assets states that “*National standards recommended by Fields in Trust promotes a requirement for 2.4 hectares of open space (play areas and playing fields) per 1,000 people which enables residents of all ages to participate in sport and play*” (paragraph 8.12). East Suffolk uses this calculation as a standard and this is to be continued over this plan period when considering applications for new open space and recreational facilities, apart from when local evidence and provision demonstrates the need for an alternative approach. This is further emphasised by the Healthy Environments SPD (2024) [SPD6]. This was pending consideration by East Suffolk Cabinet at the time the delegated report was drafted and was adopted on 4th June 2024.
- 5.133 Specific to this site, Policy SCLP12.24(d) requires that a proposal for this site includes the provision of on-site open space. Further to this, in accordance with Policy SCLP9.6(a), SUDS should be integrated into the landscaping scheme and green infrastructure provision of the development.
- 5.134 Policy RSA11 of the Rushmere St Andrew Neighbourhood Plan sets out that “*where necessary to the acceptability of the development, housing, office, retail and other commercial and mixed development should provide open space including play areas*”.
- 5.135 The Ipswich Local Validation list (February 2023) [OT19] requires an open space assessment where proposals should address:

‘Proposals should typically address:

- *Relevant national and local policy around open space, sports or recreational facilities.*
- *Identify the quantity, quality and accessibility of existing provision.*
- *Any remediation efforts to compensate for the loss of open space, sports or recreational facilities.*

Developers would be expected to engage with Sport England to ensure that the loss of the open space, sports or recreation facility will be acceptable, and this evidence would be expected to be presented as part of any application. Assessments should be robust and up-to-date. Where possible, green spaces should provide for wildlife habitats designed and located so as to create a link with existing ecological networks and/or green corridors, which may include the proposed green trail around Ipswich

for sites on the edge of the Borough. All planting proposals should be accompanied by an appropriate management plan.'

- 5.136 East Suffolk's Validation Requirements [May 2024] **[OT20]** also requires an open space assessment which needs to provide details of the open space to be provided in relation to the number and type of dwelling.
- 5.137 In terms of national policy, NPPF paragraph 96(c) states that *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."* The Development Plan policies set out above accord with this objective.

Issues with the Appellants' approach

- 5.138 An open space strategy was included within the Design and Access Statement (pages 114-119) **[AD16]** and a separate OSA was submitted as part of the application documentation **[AD15]**. This assessment was based on the following documents:
- Ipswich Borough Council Open Space Sport and Recreation Facilities Study – 2009
 - Ipswich Borough Council - Background to the Revised Public Open Space Standards and Surplus and Deficiency Maps January 2016;
 - Ipswich Borough Council - Public Open Space Supplementary Planning Document March 2017 – as updated August 2017
 - East Suffolk Council, Open Space Report, April 2021
- 5.139 The submitted Parameter Plans and in particular the Land Use Parameter Plan **[AD2(2)]** and Green and Blue Infrastructure Parameter Plan **[AD2(3)]** are informed by these documents and are to provide the proposed framework from which more detailed proposals for open space would be developed (see the Appellants' Statement of Case at paragraph 1.8).
- 5.140 The total quantum of open space proposed at page 115 of the DAS is stated to be 11.4 ha, while Mr Russell-Vick calculated the total area proposed at 11.39 ha, taking the application site area less the housing and highways areas, as per the Proposed Surface Water Drainage Strategy drawing **[APD1]** (see footnote 8 in **Appendix A** to this proof). It is not disputed that, in simple numerical terms, either of these figures is more than the area required by Policy DM6 for a development of this size. However, the Appellant's approach to open space is nevertheless inappropriate for three reasons.
- 5.141 **First**, there is the separate requirement to provide a SANG under IBC Policy ISPA4(f)(iii). As set out above at paragraph 5.129 and in the proof of evidence of James Meyer at paragraphs 7.15 the quantum of on-site SANG provision necessary for the proposed development is 11.5 ha. This is already more than the total area of open space proposed by the Appellants. Of course, there will be some degree of overlap between SANG and other open space typologies/ secondary land uses. As set out in the proof of evidence of Ruth Chittock at paragraph 7.21, per the SANG

definition at paragraph 2.163 of the ESC Healthy Environments SPD **[SPD6]**, the main typology likely to overlap with SANG is natural and semi-natural green space, and as set out in the proof of James Meyer at paragraphs 7.18 - 7.21 there is also the potential for overlap with SuDS (Healthy Environments SPD, paragraph 2.184) and provision for children (Healthy Environments SPD, paragraph 2.207), where these are appropriately designed. However, this leaves the other typologies in the Public Open Space SPD **[SPD7]** which are not compatible with SANG, namely parks and gardens, amenity green space, outdoor sports facilities, provision for young people and allotments.

- 5.142 Even if there was a 100 percent overlap with all other open space typologies/secondary land uses, there would still be a shortfall of open space proposed within the appeal scheme, as against the SANG requirement. As it is, and even assuming a 100 percent overlap for natural and semi-natural green space, SuDS, provision for children, and SANG, Mr Russell-Vick calculates that 5.56 ha more space would be required for open space provision/secondary land uses which are *not* compatible with SANG, if IBC policy requirements are applied across the proposed development.
- 5.143 In practice, it is unlikely that all the open space uses which are hypothetically able to overlap with SANG provision will be suitable for inclusion within the SANG requirement if they are delivered as currently proposed. In particular, section 6 of the proof of evidence of Ms Chittock sets out the current issues with the design of the SuDS basins and how their 1 in 4 gradients and overly engineered appearance mean they are unlikely to be suitable as SANG. The land deficit identified in the Land Use Budget is therefore likely to be an underestimate.
- 5.144 Moreover, from the topic-based Statement of Common Ground on Drainage **[SoCG5]** it is evident there remain matters not agreed with the LLFA which are likely to result in changes to the SuDS basins to achieve the necessary 1 metre depth. This will require the enlargement of basins which will impact upon the open space and might potentially exacerbate the land use deficit identified by Mr Russell-Vick further if the enlarged basins still cannot provide a 100 percent overlap with SANG provision.
- 5.145 **Second**, even if ESC policy requirements were applied across the development instead of IBC requirements, with different proportions of open space typologies and uses which are or are not compatible with SANG, the tables in **Appendix B** demonstrate that there would still be a deficit of at least 3.17 ha of land required for open space and other secondary land uses versus the overall requirement on a scheme with this site size and housing quantum. This calculation assumes that the entirety of the provision for children and young people — grouped together as a single typology in the ESC Healthy Environments SPD (**[SPD6]**, paragraph 2.81) — is able to overlap with SANG, though in reality the provision for young people is likely to be incompatible with SANG use.
- 5.146 It can be seen therefore that, regardless of which set of policy requirements around open space typologies are applied to the appeal scheme, there would still be a considerable deficit in open space were the currently proposed number of dwellings to be delivered at the currently proposed density. The appeal scheme as proposed is not capable of delivering a policy-compliant SANG alongside other required open space typologies in line with either IBC or ESC policy requirements.
- 5.147 **Third**, the relevant Local Plan policies do not seek a simple area of open space. The requirement is for a range of open space typologies to provide for the needs of various users that could occupy the proposed development. These policies seek to provide

access to high quality open spaces and sport and recreation facilities, given the importance of public open space provision for the health and wellbeing of individuals amongst other uses, as promoted in the NPPF and the relevant Development Plan policies set out above.

- 5.148 For a development of this scale it would be expected that the range of typologies set out in the Development Plan to provide for a healthy community are met on site as far as practicable. It has not been demonstrated that there is a justified reason why a different approach should be taken in the present case.
- 5.149 The proposed development does not include any provision for Outdoor Sports Facilities either on- or off-site, a shortfall of 2.25 ha against IBC policy requirements for a development of 660 homes at 2.4 persons per dwelling. The Appellants' argument is that overall pitch provision in the locality is in surplus. This has been detailed in paragraph 5.90 to 5.122 above and I do not intend to repeat that here. I therefore do not consider the criterion (a) of Policy DM5 can be applied to justify exemption from provision.
- 5.150 There has also been no provision of allotments, contrary to Policy DM6 and Appendix 2 to the IBC Public Open Space SPD **[SPD7]** and paragraph 2.75 and Table 9 of the ESC Healthy Environments SPD **[SPD6]**. This is a shortfall of 0.65 ha against the IBC policy requirements. The Appellants' Statement of Case is silent on the matter of allotments and as such I have considered the justification in the OSA **[AD15]**. This OSA has sought to justify the lack of any provision of allotments on the basis that there is a surplus across Ipswich and the Rushmere Ward. For East Suffolk it recognises there is a deficiency but does not seek to address this, instead setting out provision some 1.5km away at Playford Road and the Rushmere Parish Allotments. The OSA concludes on the matter that local provision exceeds the recommended standards for allotments overall. Allotments are recognised by the NPPF (Paragraph 96 (c)) as a form of space that enables and supports healthy lives and seeks for this to be provided in a safe and accessible manner. Providing allotments on the site would mean that these are easily available to access, rather than occupants having to travel off-site, where there are already questions on the connectivity off-site. Allotments are also recognised, in addition to the health benefits, in providing opportunities for social inclusion at paragraph 2.112 of the Healthy Environment SPD **[SPD6]** and the Open Space SPD **[SPD7]**.
- 5.151 At paragraph 4.131 of their Statement of Case the Appellants have recognised a 1.0 ha deficit in the proposed Parks and Gardens provision against the IBC policy requirement but stated that this could be *"easily remedied by designing the available space to make up that deficiency, particularly since the open space typology plan only appear in the DAS as an illustration of how the open space could be designed to provide a range of different typologies."* However, this would necessarily result in the reduction in other open space typologies, in the context where there is already a deficiency overall.
- 5.152 The Appellants have proposed a greater level of natural and semi-natural space at the expense of other open space typologies on the basis this is considered to be best suited to the character of the locality. Notwithstanding my position on the type and quantum of open space as set out in this section, in any event, as Ms Chittock will evidence, the approach of the Appellants has not been successful in effectively using

green infrastructure to create a transition between the proposed development and the countryside of East Suffolk, as required by criterion (b) of Policy ISPA4, criterion (f) of Policy SCLP12.24 and RSA2 of the Rushmere Neighbourhood Plan.

- 5.153 The purpose of the different typologies is to provide for a range of open space for the proposed occupants of the proposed development. For example, Parks and Gardens space is intended to provide a different function from other forms of open space particularly Natural and Semi-natural Greenspace. With reference to the IBC Public Open Space SPD ([SPD7], paragraph 1.10) it is apparent that, whilst both types of spaces are intended for informal recreation, they are designed and used recreationally in different ways. The natural green spaces are more focussed on enhancing and protecting wildlife and therefore encourages informal recreation such as walking, bird watching and nature tours. The Parks and Gardens have a more formal design and more structure in design through benches and paths. These types of spaces are expected to encourage more community focussed events and spaces such as bandstands or mown grass / lawns for ball games and picnics. The central green and corridor spaces immediately leading to the central green are identified for this Parks and Greens typology.
- 5.154 There are matters that may be capable of being resolved at reserved matters stage but I do not consider that open space provision is such a matter in the present case. Some minor issues may be able to be dealt with at a later stage, such as the precise balance of different open space typologies or locations of specific smaller parcels of greenspace, but the overall quantum and distribution of open space needs to be considered across the development at the outline stage for the following reasons:
- a. As set out above under Main Issue 1, the principal policies anticipate that development on the allocated site should come forward as part of a landscape-led masterplanning process. Without such a process having been undertaken, there can be no confidence that the required typologies can be delivered on the site. Indeed, the Land Use Budget at **Appendix A** demonstrates that the required typologies cannot be delivered on the appeal site with the currently proposed quantum of housing at the currently proposed density. No amount of design tweaks at reserved matters stage will overcome this fundamental issue and proper planning for open space provision is required at the outline stage.
 - b. The Appellants at paragraph 1.8 in their Statement of Case indicate that the parameter plans submitted for approval with the outline application “*would set the limits for future Reserved Matters applications on matters of land use, green and blue infrastructure, building heights and density, and access and movement for different modes.*” If the Appellants anticipate confining themselves to the limits of these parameter plans at reserved matters stage and the plans are flawed in terms of the open space proposals, as assessed against the required typologies, then there can be no confidence that any deficiencies could be remedied at reserved matters stage. The Green and Blue Infrastructure Parameter Plan [AD2(3)] states at note 2 that the location of the local equipment area of play (‘LEAP’), MUGA and SuDS may be subject to change at reserved matters stage. However, these comprise only a relatively small portion of the total open space quantum proposed and do

not help to address the fundamental overarching issues around open space quantity and distribution set out above and in the proof of evidence of Ms Chittock.

- 5.155 Overall, and as shall be seen further in the next section of this proof, it is clear that the quantum of housing proposed on this site has compromised the proposed open space provision. The development is seeking 61 dwellings above the housing number in the principal policies. These additional houses would occupy part of the land that could be used towards the open space provision, while at the same time the additional population which they generate increases the amount of open space required, because several of the required typologies are linked to population. On the matter of the location and distribution of the open space, the delegated reports **[DD3 and DD4]** have provided details of the objections of the Councils and as I have explained in the masterplanning section above, it is clear that the process of masterplanning the site to ensure that the open space provision is appropriately distributed has not been properly undertaken. The result is a scheme which is incapable of providing policy-compliant levels of open space, either overall, or in relation to specific required typologies.

Main Issue 9 – Quantum of Housing

- 5.156 The Councils are, through the allocation of the appeal site through Policies ISPA.4 and SCLP12.24, planning for housing growth as required by the NPPF. It is evident that the Councils are ensuring appropriate housing growth that is acceptable through these principal policies. However, it is clear from the matters set out above, that the development is not acceptable with a number of significant conflicts with the Development Plan.
- 5.157 The Appellants at paragraph 3.38 of their Statement of Case have advised that they have optimised the site in accordance with the Government's housing delivery objective. It is not disputed that the Government is prioritising housing delivery but the NPPF is also clear that housing must be of good design and provide the necessary supporting infrastructure/facilities. This is the case even where the tilted balance applies, with paragraph 11(d)(ii) requiring decision makers to have particular regard to policies for securing well-designed places when considering whether the adverse impacts of granting permission would significantly and demonstratively outweigh the benefits.
- 5.158 The Appellants at paragraph 4.123 have set out that the Councils do not have an objection to the appeal development in principle, despite the housing numbers being in conflict with Policies ISPA4 and SCLP12.24. They state that the Council did not object to the principle of the housing numbers over and above the allocation and have referenced the following sentence in the delegated report "*The exceedance for the housing number allocated for the site is not in itself an issue provided other requirements for land use and standards for development can be met*". The Council's position is that there is harm caused as a result of the housing number proposed over and above the site allocation and it has not been demonstrated that the development can be achieved so as to meet the requirements for land use and standards of

development set out in the Development Plans with the currently proposed number of dwellings.

- 5.159 On the contrary, as set out above the land use budgeting work in **Appendix A** to this proof demonstrates that a scheme of 660 dwellings at the currently proposed density *cannot* be delivered within the boundary of the appeal site in a way that is policy compliant, in terms of requirements for open space and other secondary use provision. By contrast, a potential alternative scheme with a housing quantum of 599, in line with the allocation, would give rise to a much smaller deficit in terms of the land required to accommodate all the required non-housing uses, or a surplus if, for example, the average density were slightly adjusted or alternative sports provision were provided off-site but in “*a location well related to the users of the existing facility*”, as allowed for by IBC Policy DM5(b). As set out above, these are all considerations which ought to have been taken into account by the Appellants as part of a collaborative masterplanning process.
- 5.160 In simple policy terms the appeal application is contrary to the principal policies of the Development Plan with a proposed development of 660, not because of an in principle objection to more housing being delivered on the site, but because the Councils consider that this quantum of housing cannot be achieved on this site without generating significant conflicts with policy requirements.
- 5.161 As I have detailed in this proof and others have in their proofs of evidence the proposed development is in conflict with the Development Plans for a number of reasons and the increase in the housing number will have contributed to the unacceptable impacts that have been identified in these reasons for refusal.
- 5.162 I refer to the reason for refusal on open space which has demonstrated that the appeal development has failed to provide the quantum and quality of different types of open spaces (typologies) as required. The increase in the quantum of housing requires further open space as the requirements are based on a population, so the more housing the greater quantum of open space required. It is also evident that this quantum of housing has impacted upon the success of the transition space. As Ms Chittock has detailed in her Proof of evidence, various uses are currently proposed for this transition space to meet SuDs, SANG and HRA requirements, where a lower number of homes would allow for open space typologies to be included within the wider development rather than being pushed into the transition space.
- 5.163 At this time, the required drainage strategy remains outstanding, as evidenced by the LLFA. The increase in the number of homes will have a direct impact upon this strategy contributing to the extent of impervious surfaces.
- 5.164 I have already discussed the matter of allocation of land percentage and density in the masterplanning section above but it has a clear impact on the quantum of housing for the site allocation. The appellants are seeking a development of 660 dwellings, assuming 60% of the entire site must be dedicated to housing, at a density of 35dph. This very simplistic approach to deriving the appropriate number of houses that the site can accommodate is not appropriate, particularly at the planning application stage. The number of houses promoted was not the product of a landscape-led design. It was not informed by the specific requirements of the principal policies, it

ignores that the appeal scheme is not bringing forward the entire allocation. And it fails to recognise that, whilst ISPA4 mentions a 60/40 land use split to residential and other uses, SCLP12.24 does not require any such division but instead requires 150 dwellings and a green buffer. Furthermore, it is only IBC Local Plan that includes a density policy with Policy DM23. The Appellants have applied the density of DM23 but have failed to recognise this policy has a clear exception to this approach where *“the site location, characteristics, constraints or sustainable design justify a different approach”*. The explanatory text sets out where such an exception should be applied as *“Sites on the urban edge of Ipswich may require lower densities in certain circumstances where development needs to respond sensitively to the adjacent countryside and surrounding character”* (Paragraph 9.222). The primary policies are clear that the character between the new urban edge of Ipswich and the countryside needs careful designing and as such it is clear this exception is applicable and a different density should be applied.

- 5.165 In summary the Appellant has simply failed to justify that the site is able to accommodate 660 homes - 61 over the indicative capacity - whilst bringing forward development that is appropriate and policy compliant.
- 5.166 Due to the harm identified and the conflict with Policies ISPA4 and SCLP12.24 of the Development Plans, I consider that this matter should be given **very substantial weight** in the planning balance.

6.0 Conditions and S106 Agreement

- 6.1 The conditions for the proposed development are not yet finalised between the parties at the time of writing this proof. As has been identified in this proof and will be detailed further in the proofs of evidence from the Councils and SCC as a Rule 6 Party in the absence of required information not all conditions can be determined at this stage. A working draft of conditions will be provided to the Inspector in line with the timetable set out in the Inspectors CMC.
- 6.2 A working draft of the S106 Agreement is not yet finalised between the parties at the time of writing this proof. As has been identified in this proof and will be in Proof of Evidences from SCC as a Rule 6 party in the absence of required information not all obligations can be determined at this stage. A working draft of the S106 Agreement will be provided to the Inspector in line with the timetable set out in the Inspector's CMC.
- 6.3 A separate CIL compliance statement will be provided to the Inspector in line with the timetable set out in the Inspectors CMC note.

7.0 Planning Balance

- 7.1 As set out above, I consider the appeal scheme to be in conflict with a range of policies. In my view these breaches render the proposal in conflict with the Development Plans as a whole. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the normal starting point where a proposal conflicts with the Development Plan is that permission should be refused unless material considerations indicate otherwise.
- 7.2 As identified at paragraph 4.15, following the publication of the revised NPPF on 12th December 2024, Ipswich Borough Council cannot demonstrate a 5-year housing land supply. Footnote 8 of the NPPF indicates that where an authority cannot demonstrate a 5-year housing land supply the ‘tilted balance’ under paragraph 11(d)(ii) is triggered and permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*.
- 7.3 However, in line with NPPF paragraph 195 *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*
- 7.4 Moreover, under Regulation 63 of the Habitats Regulations, if the Appellants fail to demonstrate that the appeal scheme would not adversely affect the integrity of the protected European Sites, then the Inspector would be obliged, in law, to refuse permission (it not having been suggested that there are imperative reasons of overriding public interest which would justify the grant of permission). I am advised that the standard for demonstrating this is a high one: the Inspector must be sure that the development (alone or in combination) will not affect the integrity of the site, meaning that there is no reasonable scientific doubt.
- 7.5 The Appellants in their Statement of Case have set out what they consider to be the benefits of the scheme and the weight which they consider should be afforded to them. They have also proposed the weighting they consider should be afforded to the harms identified by the Councils in the reasons for refusal.
- 7.6 I have considered both the benefits of the appeal scheme and the harms that have been identified both in this proof of evidence and in the proofs of evidence of other Council witnesses and the weighting I would afford them.

Benefits

Social benefits

- 7.7 **The provision of market housing:** As a cross boundary allocation I have considered the benefits of the scheme for both Councils. In light of the position regarding IBC’s housing land supply, the provision of new market housing should be afforded **very substantial weight** for IBC. East Suffolk under the new NPPF (December 2024) are still able to demonstrate a 5-year housing land supply. The Suffolk Coastal Local Plan housing trajectory has this allocated site not coming forward until after 2028. Having

regard to this position the provision for market housing for East Suffolk the delivery of new market housing should be afforded **substantial weight**.

- 7.8 **The provision of affordable housing:** A draft Head of Terms, submitted by the Appellant through the appeal process, has identified the development would provide a policy compliant development of 30% for IBC in line with Policy ISPA4 and 33% for ESC in line with Policy SCLP5.10. The delivery of policy compliant levels of new affordable housing should be afforded **very substantial weight** for both Councils.
- 7.9 **Provision of Education Facilities:** The Statement of Common Ground - Development Contributions [**SoCG6**] has confirmed the provision of an Early Years Setting to be delivered on the site. As this is a requirement to mitigate the education needs that will be generated as a result of the proposed development this should be afforded **minimal weight**.
- 7.10 **Archaeology:** The appeal site had a high potential for archaeological finds and had not previously been the subject of previous investigation. Archaeological investigations, including trial trenching, undertaken through the appeal process have started to provide an evaluation of the archaeological importance of the site. This has a **minimal benefit**.

Environmental Benefits

- 7.11 **Biodiversity Net Gain:** As agreed within the Statement of Common Ground for Ecology and BNG [**SoCG8**] there will be the delivery of 10% biodiversity net gain as part of the development proposals. From the Biodiversity Net Gain assessment; Design Stage (March 2024) [**B4**]. The proposal would provide a proportion of the mandatory biodiversity net gain on-site but is also reliant on off-site provision. It is also only seeking to meet the statutory minimum for all developments where the application was made after February 2024. For these reasons I would afford a **medium weight**.
- 7.12 **Provision of a green trail:** The proposed development includes the provision of a green trail, an objective of IBC. This trail is provided within an area of open space where the quality is considered diminished as a result of the various uses which it needs to deliver, including the green trail. This has a **minimal benefit**.

Economic Benefits

- 7.13 **Construction:** The appellant in their Statement of Case [**SC1**] has identified an economic benefit from the appeal scheme. With a development of this scale there will be an economic benefit however in the absence of this being quantified or any mechanism to secure local employment the benefit this has is unknown. Furthermore the construction impacts could, though should be mitigated as far as practical through a planning condition, have an adverse impact upon the locality through construction activities. Balancing these factors this has a **minimal benefit**.

Neutral factors

- 7.14 **Developer Contributions:** The appeal scheme proposes through a draft heads of terms monetary contributions or works towards the improvement of the local highway network, education, primary healthcare, libraries, household waste, RAMS/HRA mitigation. The final requirements are still being finalised given matters under dispute.

These contributions and works are considered necessary to mitigate the development and are only to be provided as a result of the impact of the development therefore the benefits to the community are limited. Therefore **no weight** in the planning balance is to be given to these benefits.

- 7.15 I have afforded **no weight** to any District CIL receipts that would be received by East Suffolk from the development as this is mitigation to deliver essential infrastructure in the area. Minimal weight can be given to the 25% of Neighbourhood CIL generated because this can be more freely spent locally on beneficial infrastructure within the Rushmere St Andrew Community.
- 7.16 **Public Rights of Way:** The development proposes links to the existing PRoW however there are PRoWs already across the appeal site and the character of these would be changed. Therefore it could be considered as either an improvement or not. Therefore **no weight** in the planning balance is given to this matter.

Harms

- 7.17 **Failure to Mitigate HRA:** The Conservation of Habitats and Species Regulations (2017) (as amended) requires that the alone and in-combination impacts of new developments on European designated sites are assessed. This is undertaken through a Habitats Regulations Assessment (HRA).
- 7.18 Both Ms Chittock and James Meyer have found the c.11.5Ha of open space proposed, as part of the mitigation measure proposed for the appeal development, could not be delivered to the quantum and quality required for SANG. Therefore it cannot be concluded that the proposed development provides the required mitigation to ensure there would not be an Adverse Effect on the Integrity of the Stour and Orwell Estuaries Special Protection Area (SPA), Stour and Orwell Estuaries Ramsar Site, Sandlings SPA, Deben Estuary SPA and Deben Estuary Ramsar Site.
- 7.19 As I have set out at Paragraph 5.77 above permission should not be granted unless the competent authority are satisfied that the development, when subject to any necessary conditions or limitations, would not have any adverse effect on the integrity of a European site or a European offshore marine site. In the absence of the Councils being able to come to this conclusion in determining the application in my judgement, this is **very substantial weight** in the planning balance.
- 7.20 For this appeal the Inspector will be the competent authority. In the event that the Inspector believes that the presumption in favour of sustainable development is engaged, then Paragraph 195 of the NPPF would disengage it where an Appropriate Assessment has not been passed as is the Councils' position.
- 7.21 **Loss of Sport Pitches:** The proposed development would result in the permanent loss of sports pitches without a suitable replacement. Policy DM5, in accordance with paragraphs 103 and 104 of the NPPF, seeks to protect existing open spaces, sports and recreation facilities and sets out the criteria for when development involving the loss of open space for sports and recreation will be permitted. The application has failed to demonstrate why this exception should be applicable for the proposed development and is in clear conflict with Policies ISPA4 and DM5.
- 7.22 The loss of the playing field, which is clear there remains a demand for the use of this site, would be detrimental to the offer of sports provision in this location and for a

development of this scale. In my opinion this should be afforded **very substantial weight**.

- 7.23 **Transition Buffer and design response to Humber Doucy Lane:** The principal policies ISPA4 and SCLP12.24 require a soft edge to the development to provide a transition between the development, which will become the new urban edge of Ipswich to the countryside. Ruth Chittock finds the application has failed to provide an effective buffer to provide this transition by reason of the size and multiple functions this space has been designed to include i.e. SuDS and play space. The failure to successfully provide this policy requirement I consider should be afforded **substantial weight** in the planning balance. In addition, the scheme fails to allow for an appropriate design response to the Humber Doucy Lane frontage, by providing insufficient space to allow for significant hedge and tree planting. I afford this **medium weight** in the planning balance.
- 7.24 **Harm to above ground heritage assets:** Whilst heritage has not been a reason for refusal the Councils have maintained I must still have regard to NPPF Paragraph 212 which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 7.25 In line with Paragraph 215 of the NPPF I need to balance the harm against the public benefits of the proposal. As agreed by both parties the harm to the designated heritage assets is at the lower end of less than substantial harm, this does have to be balanced against the public benefits of the proposal. In this balancing exercise I have considered the benefit of the delivery of open market and affordable housing to outweigh the harm identified. I consider this to have **minimal** weight in the planning balance.
- 7.26 **Failure to have an acceptable surface water drainage strategy:** Policies DM4, SCLP12.24 and SCLP9.6 require developments to be safe and the application has failed to adequately demonstrate that the proposed development would not increase off-site flood risk or be safe for the lifetime of the development. In the absence of an agreed surface water strategy the proposed development is in conflict with Policies DM4, SCLP12.24 and SCLP9 and Paragraphs 181 and 182 of the NPPF. I consider this should be afforded **very substantial weight**.
- 7.27 **Highway Safety and Transport Sustainability:** The Highway Authority as evidenced by Topic Based Statement of Common Ground **[SoCG4]** are not satisfied that the development has been sufficiently assessed to ensure the access proposals and mitigation proposed for the development would manage any adverse transport impacts arising, including a safe access for the development opposite Inverness Road; promoting pedestrian and cycle accessibility to and permeability within the site, together with contributing to achieving a modal shift target. Furthermore, there are concerns over the lack of an off-site cycle and pedestrian strategy; connectivity and permeability of pedestrian and cycle routes through the site. The proposed development is therefore considered contrary to Policies ISPA4, DM21; SCLP12.24 and SCLP7.1 of the Development Plans and Paragraphs 96, 109, 115, 117 and 135(f) of the NPPF.

- 7.28 The failure to demonstrate that the development would not cause adverse impacts on the local highway network and can provide a safe access I must afford **very substantial weight** to this matter.
- 7.29 **Conflict with Development Plan (including Rushmere Neighbourhood Plan):** I have detailed within this proof there are clear conflicts with the Development Plans, including the principal policies, and Rushmere Neighbourhood Plan. The conflict with these Plans has caused harm, as identified by Ms Chittock, James Meyer and in this proof. This includes (but is not limited to) the inadequate masterplanning approach, and the unjustified number of houses being proposed.
- 7.30 Quite apart from the consequential harms these policy breaches give rise to, there is an overarching general interest in having plan-led decisions. In my view, this is particularly the case where sites have been allocated on the basis that certain requirements will be met. The adverse effect of granting permission contrary to these Plans must be weighed in the exercise of the balance. The adverse effect of granting permission contrary to the Development Plan should itself be accorded **very substantial weight**.

8.0 The Overall Planning Balance

- 8.1 As noted above, if the Inspector agrees with the Council that the on-site SANG is not of a suitable size or quality to be able to conclude that the proposal would not adversely affect the integrity of the European Protected site, then planning permission must be refused under the Habitats Regulations. There is no question of a planning balance being applied. The Councils consider that the appeal proposals should be refused on this basis alone.
- 8.2 My planning balance therefore proceeds on the basis that the Inspector finds against the Councils on this issue. If she does, then it will be necessary to apply a planning balance. As IBC cannot demonstrate a five year supply of housing, the tilted balance in paragraph 11(d) would apply.
- 8.3 As I explain above, I consider that the proposal would be in breach of the development plan as a whole. I therefore turn to consider whether material considerations indicate nevertheless that permission should be granted. It is in this context that the tilted balance would apply.
- 8.4 As I have discussed above there are significant benefits of the scheme should it be permitted to proceed with new open market and affordable housing. There are also other social and environmental benefits, though I consider these to be of more limited benefit. However weighed against these benefits are very significant harms which include the failure to provide an effective transition buffer, or green edge, between the new urban edge and the countryside; the failure to allow for an appropriate design response to Humber Doucy Lane; the loss of the rugby pitches; and the inadequate open space, both in quantitative and qualitative for a development of this scale. This is together with the failure to demonstrate that safe and suitable access to the site can be achieved for all users; a failure to adequately assess the impact on the road network; and a failure to demonstrate that an adequate surface water strategy is achievable. In addition, the harm arising from the policy breaches themselves - particularly - the breaches of the principal policies - also weighs heavily against the proposal.
- 8.5 In my view these harms significantly and demonstrably outweigh the benefits of granting planning permission. Moreover, I am aware that the appellants through the Statement of Common Grounds for Flood Risk/Drainage **[SoCG5]** and highways **[SoCG4]** are seeking to address those matters still under dispute. Even if those matters were to fall away I consider that the remaining harms are of such weight to significantly and demonstrably outweigh the benefits.
- 8.6 The proposal is therefore contrary to the Development Plan for the purposes of section 38(6) PCPA and there are no other considerations that indicate a decision other than in accordance with the Development Plans should be made.
- 8.7 The Councils do not deny the benefit of having housing on this site. It is an allocated site which the Councils wish to see come forwards, and to deliver housing within the plan period. However, it is critical that the site comes forward in an appropriate form, respecting the site's sensitive location and meeting the policy requirements (particularly those of the principal policies). The Appeal proposal does not do this.
- 8.8 As I explained at the beginning of this proof, if the appeal is dismissed, it does not mean that the benefits will not be realised at all. It will be open to the developer to submit a properly considered proposal for the development of this allocated site. The

Councils would actively encourage this: it is precisely the course of action that they have been requesting that the developer take throughout this process, from pre-application onwards. In my view, refusing permission is clearly the appropriate course of action in this instance, rather than granting permission for a hybrid scheme which is deficient in a number of respects and which would not secure a well-designed development of a strategically important cross-boundary allocation. The appeal should therefore not be allowed.

Appendix A: Land Budget Exercise by Mr Philip Russell-Vick

Statement of Mr Philip Russell-Vick:

1. I am Philip Russell-Vick, a Director of Enplan, landscape, planning and environmental consultants. I hold a Diploma in Landscape Architecture, and I am a Chartered Member of the Landscape Institute.
2. I have over forty years of experience in landscape consultancy and have provided landscape and design advice on a wide range of residential, commercial, industrial, mineral, infrastructure and other development proposals, as well as a range of landscape design projects, throughout the UK and overseas for both private and public sector clients. I have undertaken concept schemes and been responsible for masterplanning various green and brown field residential development projects across the country, including urban extensions, of up to 2,000 homes, and new settlements, of 2,880 to 5,000 homes.
3. I was instructed jointly by Ipswich Borough and East Suffolk Councils to advise on the Land East of Humber Doucy Lane appeal and specifically to review the LVIA, DAS and the outline planning application in respect of landscape and design matters. I prepared the Land Use Budget that follows this statement, and the figure entitled 'Potential Alternative Scheme'.
4. As part of my instructions, I have sought to develop a Land Use Budget for the appeal scheme (660 homes), as well as a Potential Alternative Scheme based on the whole allocation coming forwards for the number of homes provided for in the two allocation policies (i.e. 599 homes). A Land Use Budget is typically used in larger masterplanning exercises to define the areas required by the key uses but also importantly, as part of the working process, to work through the interrelationship between these, such as the policy and other technical requirements, such as open space and drainage for example, generated by the scale of the built form. This process provides assurance to the masterplanning process and evidence of policy and technical compliance. Whilst there is a breakdown of the open space uses provided with the planning application,

the Land Use Budget below demonstrates the scale of the under provision and highlights a significant issue for the appeal scheme as a whole.

5. The outline planning application includes various plans. I have used the Framework Plan, the parameter plans and the Proposed Surface Water Drainage Strategy Plan, in particular the development and highways areas highlighted on these plans, to inform the preparation of a land use budget for the appeal scheme. Evidently there are a range of ways in which 660 homes might be accommodated at this site but the land use budget for the appeal scheme demonstrates that at 660 homes and at a reasonable density (36.56 dwellings per hectare by my calculation), there would be a significant deficit in land available for open space and secondary uses, including SANGS (some 6.04ha). Alternatives to this, at the scale of 660 homes, could only meet the open space and SANGS requirements through substantially reducing the footprint for the housing element and by increasing average densities to as much as 55dph dwellings (based on reducing the housing area of 18.05ha by 6.04ha to meet the open space deficit).
6. The starting point for the land use budget for the Potential Alternative Scheme is the two allocation policies (respectively ISPA4 and SCLP 12.24). The site area is a little larger than that of the application site because it includes land west of Humber Doucy Lane, as well as a further rectangle of land to the north of the Westerfield Care Home. Crucially the budget is based on 599 homes. This reduces the footprint required for the housing, releasing more land for open space uses, including SANGS, and it proportionally reduces the land use requirements for some of these uses as well. The density shown at 37.5dph is a little greater than the appeal scheme's density (36.56dph). This density can accommodate a range of densities across the site including 30dph at the countryside edges, rising to 40dph within the core of the scheme and at 37.5dph elsewhere.
7. The Land Use Budget for the Potential Alternative Scheme shows a small deficit in open space uses (0.86ha), but much less than the deficit for the appeal scheme. This demonstrates that even at a lower number of 599 homes and on a slightly larger site area, achieving the balance of development and appropriate open space uses is

challenging. In order to reduce this deficit, the average density could be slightly increased, but not so great as to change the character of the scheme and increase effects, and/or the requirement for some open space uses could be relaxed, for example some or all outdoor sports facilities might be accommodated offsite. These are choices that could be made as part of a detailed joint masterplanning exercise.

8. The Potential Alternative Scheme figure is indicative of the where the 'additional' quantum of open space uses could be distributed, especially at the boundaries of the site, to help address criticisms of the Council of some of the landscape and visual effects of the appeal scheme, as well as implications for the delivery of appropriate SANGS. The figure shows much of this concentrated in a significantly broader buffer along the northern and north-eastern boundaries than allowed for with the appeal scheme. This arrangement would incorporate the SANGS requirement and be broad enough to allow for suitable loops and a length of route (2.7km) that could comply with the guidance. Additional open, or green space, is provided alongside Humber Doucy Lane and along the northern boundary of the housing with the Ipswich Rugby Club.

**Humber Doucy Lane – Open Space
Land Use Budget**

Table 1: Housing Numbers, Densities and Areas

	Appeal Scheme	IBC/ESC Potential Alternative Scheme
Site Area (hectares)	31.52[1]	33.18[2]
Number of Dwellings	660	599
Housing Area (hectares)	18.05[3]	15.97
Average Density (dwellings per hectare)	36.56[4]	37.50[5]
Highway Infrastructure (hectares)	2.55[6]	

Remaining Area for open space and secondary land uses[7]	11.39[8]	14.66
--	----------	-------

[1] Application site area

[2] Area based on the combined IBC and ESC allocation areas, noting that this includes the rectangular area west of Humber Doucy Lane and the rectangle east of Christchurch Vets, both areas excluded from the application.

[3] Area based on Proposed Surface Water Drainage Strategy Drg. No. 890695-RSK-ZZ-DR-C-0007-PO2

[4] Parameter Plans identify a core area at 40dph with remainder of the development at 35dph

[5] IBC/ESC preferred average density based on NE fringe at 30dph and remainder at up to 40dph

[6] Area based on highway catchments 1-3 from Proposed Surface Water Drainage Strategy Drg. No. 890695-RSK-ZZ-DR-C-0007-PO2

[7] Includes all policy required open space uses, SANGS, SuDS, Early Years provision, Mixed Use 400m² net retail

[8] Whilst the DAS states this area to be 11.44ha, the application site area less the housing and highways areas, as per the Proposed Surface Water Drainage Strategy drawing, measures a total of 11.39ha.

Table 2: Open Space Use Requirements

IBC Policy open space requirements[9]	Policy Requirement	Requirement for proposal (based on 2.4 persons per dwelling) 660 dwellings	Requirement for proposal (based on 2.4 persons per dwelling) 599 dwellings
Parks and Gardens	1.16 ha per 1000 pop	1.84ha	1.56ha
Amenity Green Space	0.48 ha per 1000 pop	0.76ha	0.64ha
Natural and Semi-Natural Green space	1.53 ha per 1000 pop	2.42ha	2.05ha
Outdoor Sports Facilities	1.42 ha per 1000 pop	2.25ha	1.91ha
Provision for children	0.08 ha per 1000 pop	0.13ha	0.11ha
Provision for young people	0.04 ha per 1000 pop	0.06ha	0.05ha
Allotments	0.41 ha per 1000 pop	0.65ha	0.55ha
Totals		8.11ha[10]	6.87ha[11]

[9] IBC open space requirements policy preferred to ESC's as the majority of the development falls within IBC and the development would become part of the wider Ipswich urban area for which the IBC requirements are more suited.

[10] Using ESC requirements this would be 8.39ha

[11] Using ESC requirements this would be 7.1ha

Table 3: Other Secondary Land Use Requirements		
	660 dwellings	599 dwellings
SuDS	2.25ha	2.25ha ^[12]
SANGS	11.5ha ^[13]	10.44ha ^[14]
Early Years provision allowance	0.33ha ^[15]	
Mixed Use 400m ² net retail allowance	0.04ha	
Totals^[16]	14.12ha	13.06ha

[12] Based on Proposed Surface Water Drainage Strategy Drg. No. 890695-RSK-ZZ-DR-C-0007-PO2 at 18.05ha (see footnote 3). Note that 599 units on 15.97ha could slightly reduce this requirement, although SuDS design approach is subject to disagreement. However, as SuDS is considered compatible with SANGS, this would not alter the overall open space and secondary uses requirement

[13] 11.5ha is Natural England's requirement based on 8ha/1000 population with 'discount' accepted on appeal scheme of 9.23%. Refer to Proof of Evidence of James Meyer.

[14] Based on Natural England's requirement for 599 dwellings, less the 9.23% 'discount'. Refer to Proof of Evidence of James Meyer

[15] Refer to Statement of Common Ground **[SoCG6]**

[16] Note that these do not allow for SANGS overlapping with some open space uses, see Table 4 below

Table 4: Overall Open Space Use and Other Secondary Use Requirements		
	660 dwellings	599 dwellings
SANGS	11.5ha	10.44
Open Space requirements area less those uses compatible with SANGS ^[17]	5.56ha[18]	4.71ha
Early Years provision allowance	0.33ha	
Mixed Use 400m ² net retail allowance	0.04ha	

Totals	17.43ha	15.52ha
---------------	----------------	----------------

[17] Those uses compatible with SANGS are Natural and Semi-Natural Green Space, provision for children and SuDS. Therefore, this figure includes Parks and Gardens, Amenity Green Space, Outdoor Sports Facilities, provision for young people and allotments. Refer to areas in Table 2.

[18] This includes Outdoor Sports Facilities and Allotments requirement which is not part of the appeal scheme.

Table 5: Total Land Budgets		
	Appeal Scheme	IBC/ESC Potential Alternative Scheme
Number of Dwellings	660	599
Housing Area (hectares)	18.05	15.97
Average Density (dwellings per hectare)	36.56	37.5
Highway Infrastructure (hectares)	2.55	
Remaining Area for secondary land uses[19]	11.39	14.66
Overall Open Space Use and Other Secondary Use Requirements (hectares)[20]	17.43	15.52
Surfeit/Deficit of land for open space and other secondary use provision above versus the overall requirement (see Table 4)	- 6.04ha	- 0.86ha

Less Outdoor Sports Facilities requirement at 2.25ha and 1.91ha respectively, should this be provided offsite	- 3.79ha	+ 1.05ha
--	-----------------	-----------------

[19] Refer to Table 1

[20] Refer to Table 4

Potential Alternative Scheme – See separate Appendix Document



Appendix B: East Suffolk open space policy requirements and land use deficit.

Table 1: Open space typologies required by the East Suffolk Healthy Environments Supplementary Planning Document (2024)

Open Space Typology	Requirement per 1,000 population	Requirement for 660 dwellings at 2.4 people per dwelling (ha)[1]
Parks & Gardens[2]	0.22	0.35
Amenity Green Space	0.92	1.46
Natural and Semi Natural Greenspace	3.64	5.77
Allotment	0.26	0.41
Provision for children's play space and provision for young people.[3]	0.25	0.40
Total	5.29 hectares per 1000 population	8.39ha

Certain open space typologies have the potential to be incorporated within the overall SANG requirement. As set out at paragraph 2.163 of the Healthy Environments SPD, the main typology likely to overlap with SANG is natural and semi-natural green space. There is also the potential for overlap with sustainable drainage systems ('SuDS') (paragraph 2.184) and provision for children (paragraph 2.207), where these are appropriately designed.

Provision for young people would not usually be considered to be a compatible use with SANG, but for ease of calculation because it is included within the same typology as provision for children in the Healthy Environments SPD, it is assumed to be capable of overlapping with SANG for the purposes of this note.

The other open space typologies in the table above – parks and gardens, amenity greenspace, and allotments – are not capable of overlapping with SANG.

The other non-housing land use requirements for the proposed development are as set out in Tables 1 and 3 of Appendix A, the Land Use Budget prepared by Philip Russell-Vick. These are highways infrastructure, SuDS, early years provision and 400m² net retail allowance. The area required for these uses remains the same irrespective of whether ESC or IBC policy requirements apply.

Table 2: Totals for housing and secondary land uses based on ESC policy requirements

Land use	Requirement for 660 dwellings at 2.4 people per dwelling (ha)[4]
Housing at proposed density of 36.56 dph	18.05
SANG (including compatible open space typologies)	11.5
Open space typologies not compatible with SANG	2.22
Highways infrastructure	2.55
Early Years Provision	0.33
Mixed use retail space	0.04
Total secondary uses not compatible with SANG	5.14
Total site area	31.52
Surplus/deficit of land for secondary uses versus policy requirements	– 3.17ha

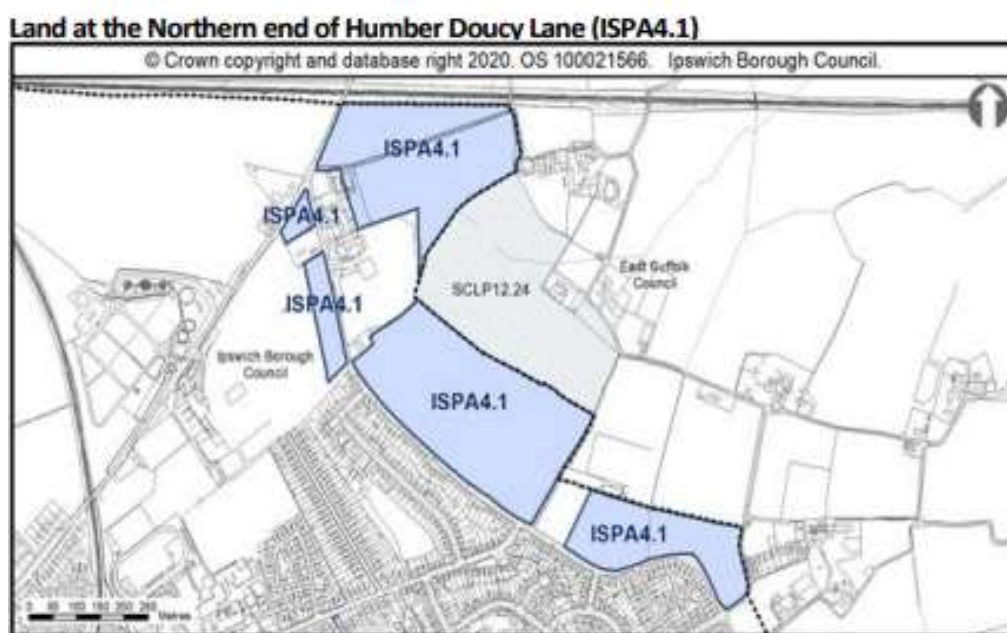
[1] This gives rise to a total anticipated population of 1,584 for the proposed development.

- [2] Paragraph 2.75 and Table 9 in the Healthy Environments SPD sets out the requirements for Parks and Gardens, Amenity Green Space, Natural and Semi-Natural Green Space, and Allotments.
- [3] Paragraph 2.81 states: “For simplicity, the Open Space Methodology uses the Fields in Trust (FIT) guide’s recommended figure of 0.25 hectares per 1,000 people to calculate the minimum quantity of play provision required. This overall calculation of quantity is inclusive of both main categories of play provision (for children and Youth/Casual).
- [4] This gives rise to a total anticipated population of 1,584 for the proposed development.

Appendix C: Policy ISPA4: Cross Boundary Working to Deliver Sites

Ipswich Borough Council will work with neighbouring authorities to master plan and deliver appropriate residential development and associated infrastructure on identified sites within the Borough but adjacent to the boundary where cross boundary work is needed to bring forward development in a coordinated and comprehensive manner.

Land at the Northern end of Humber Doucy Lane (ISPA4.1)



23.28ha of land at the northern end of Humber Doucy Lane, identified on the Policies Map as ISPA4.1, is allocated for 449 dwellings and associated infrastructure to come forward in conjunction with land allocated in Policy SCLP12.24 of the Suffolk Coastal Local Plan in East Suffolk as a cross boundary site. 60% of the site within Ipswich Borough is allocated for housing and 40% is allocated for secondary uses, comprising open space and other green and community infrastructure.

Development will be planned and comprehensively delivered through master planning of the site, including the allocation of land in East Suffolk, to be undertaken jointly with East Suffolk Council and the landowner.

Development will be expected to comply with the following criteria:

- a) Delivery of a high-quality design in compliance with Policy DM12, including at least 30% affordable housing (unless viability assessment shows otherwise) in accordance with Policies CS8 and CS12. The mix and tenure types of housing will be determined through the master planning process;
- b) Development must respect the maintenance of separation between Ipswich and surrounding settlements which is important to the character of the area. This should be

achieved by the effective use of green infrastructure to create a transition between the new development/Ipswich urban edge and the more rural landscape character of East Suffolk;

c) The settings of the grade II Listed Westerfield House Hotel, Allens House, Laceys Farmhouse, and the Garden Store north of Villa Farmhouse must be preserved or enhanced as part of any future development of the site. Development must also have regard to its impact on the significance of non-designated heritage assets identified in the Heritage Impact Assessment (HIA) (September 2020). An archaeological assessment is also required. Any future planning applications will require an HIA demonstrating how the effects on heritage assets are taken into account and mitigated;

d) A site specific Flood Risk Assessment will be required;

e) Rows of trees covered by Tree Preservation Orders (TPOs) along the boundary with Westerfield House should be preserved unless there are overriding reasons for their removal;

f) Current infrastructure requirements are as follows (subject to any additional infrastructure that may be identified as part of the planning application process):

i. Primary school places and an early years setting to meet the need created by the development;

ii. Replacement sports facilities if required to comply with policy DM5, other open space in compliance with the Council's Open Space Standards set out in Appendix 3 of the Core Strategy DPD and links to the Ipswich 'green trail' walking and cycling route around the edge of Ipswich;

iii. A project level Habitat Regulations Assessment will be required and Suitable Alternative Natural Greenspace (SANGs);

iv. Landscaping and development proposals must take account of the Ipswich Wildlife Audit (2019) recommendations for the site, contribute positively to the enhancement of strategic green infrastructure both on and off the site in its vicinity as appropriate, include a 10% biodiversity net gain, and provide a soft edge to the urban area where it meets the countryside;

v. Transport measures including: • highway and junction improvements on Humber Doucy Lane and Tuddenham Road; • walking and cycling infrastructure to link the site to key social and economic destinations including the town centre, and local services and facilities; • public transport enhancements; and • appropriate transport mitigation measures that arise from demand created by the development, in line with the ISPA Transport Mitigation Strategy;

vi. Development will need to be phased and delivered in coordination with the delivery of the Ipswich Garden Suburb to ensure sufficient primary school capacity is provided to meet demand generated from the strategic allocation at the northern end of Humber Doucy Lane;

vii. The development will be triggered by the ability to provide the necessary primary school capacity on the Red House element of Ipswich Garden Suburb or an agreement between the landowner and Suffolk County Council, as the Education Authority, to provide a primary school on the Humber Doucy Lane development;

viii. As part of the master planning work, the opportunity for the provision of convenience retail on site should be assessed in order to reduce travel demand, taking into account any effects on the viability of existing local retail facilities; and

ix. A financial contribution to off-site healthcare facilities.

Explanatory Text pages 45 and 46

8.25 One area where a cross-border allocation for future development has been identified is the northern end of Humber Doucy Lane adjacent to Tuddenham Road, where land was promoted through the previous Local Plan Review and again through the call for sites process in 2017. The indicative development capacity of the land within the boundary of Ipswich Borough Council is 449 dwellings. In addition, the Suffolk Coastal Local Plan has allocated a site (SCLP12.24) on the East Suffolk side of the Ipswich boundary. It is essential that the two authorities work together to provide a comprehensive approach to the land as planned development. Policy ISPA 4 identifies the likely impacts of the development which would have to be mitigated in relation to demand arising from potential residents such as transport infrastructure and sustainable transport initiatives to create potential for a substantial modal shift change and green infrastructure. As part of the master plan work, consideration should be given to the opportunity to provide convenience retail facilities on site to serve new and existing residents. Financial contributions will be required towards off-site healthcare facilities and the overall package of sustainable transportation measures to be delivered through the implementation of the ISPA Transport Mitigation Strategy.

8.26 The site is in close proximity to the Ipswich Garden Suburb (Policy CS10), a strategic allocation which is anticipated to deliver approximately 3,500 dwellings and other uses, including three new primary schools, largely over the course of the Local Plan period. Primary school capacity is a current constraint on development at Humber Doucy Lane coming forward, and it is anticipated that additional capacity can be provided through the planned new provision at the Ipswich Garden Suburb to ensure there is adequate provision for this development. This is anticipated to affect the timing of development coming forward.

8.27 Development of this allocation will be required to deliver high quality design, which sensitively addresses adjacent countryside, biodiversity and existing dwellings. The development should also seek to preserve and enhance the setting and significance of Westerfield House and the Listed Buildings to the north and east of the site, including Allens House, Laceys Farmhouse, and the Garden Store north of Villa Farmhouse. The HIA (September 2020) discusses the sensitivity of the area and makes recommendations about how to bring forward development with regard to the sensitivity of the historic landscape. It also identifies a number of non-designated heritage assets which development must also have regard to in terms of impact on significance. Where possible, existing hedges onto Humber Doucy Lane shall be preserved and protected during the development process as applicable. Any subsequent planning application will require a full Heritage Impact Assessment.

8.28 These large greenfield areas have not been previously systematically investigated for archaeological remains. Archaeological evaluation should be undertaken to inform planning applications, comprising a combination of desk-based assessment, geo-physical survey and an appropriate level of trial trenched archaeological evaluation (see character zone 2c in the Archaeology and Development SPD), in consultation with Suffolk County Archaeology.

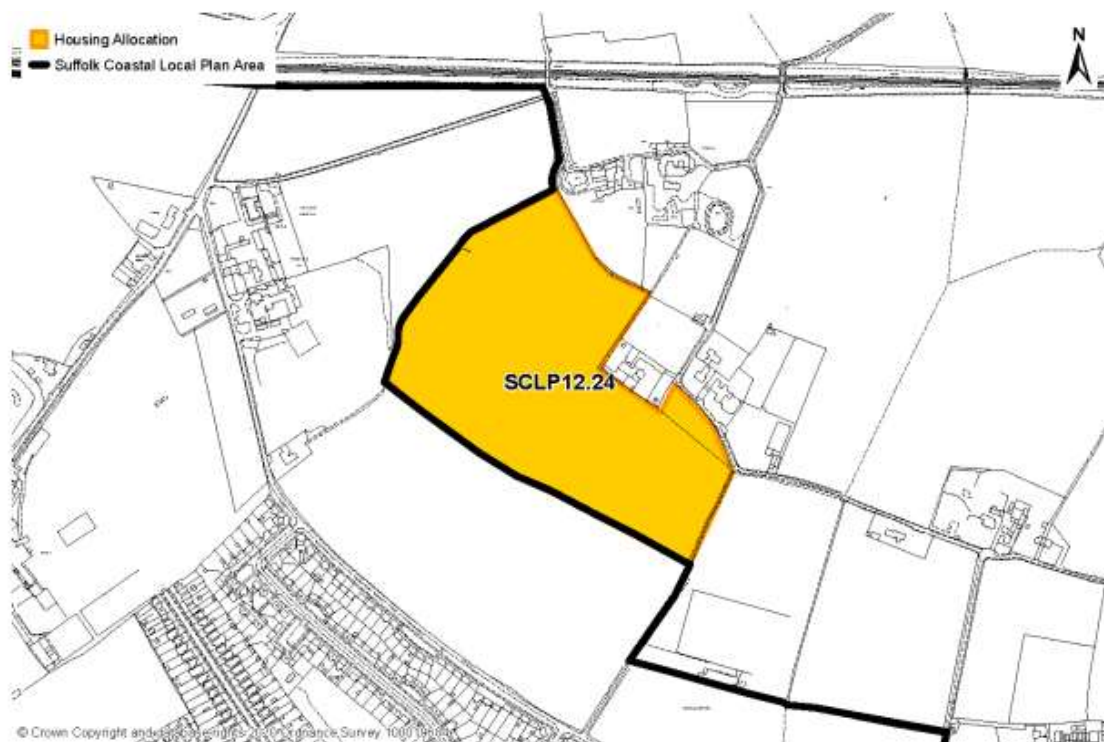
8.29 Biodiversity will need to be preserved and must incorporate net gain. The Ipswich Wildlife Audit (2019) provides further information on ecological surveys that will be required, as well as recommendations for how biodiversity net gain can be incorporated into the new development, unless other means of biodiversity enhancement are appropriate. There are rows of Tree Preservation Orders (TPOs) along the boundary with Westerfield House that will need to be preserved and protected during construction unless there are overriding reasons for their removal.

8.30 A concentration of housing in this location is likely to require a bespoke Suitable Alternative Natural Greenspace (SANG) in addition to contributions towards the Recreation Avoidance Mitigation Strategy, to function as an alternative to the coast. As proposals for the site progress, consideration should be given to how the nearby SANG being delivered as part of the Ipswich Garden Suburb and wider footpath network, may be linked to any new SANG provision.

8.31 The site allocation at the northern end of Humber Doucy Lane is located at the edge of Ipswich approximately 3.5km from the town centre. Sustainable transport connections will be key to providing linkage to employment and other opportunities. In addition, as part of the transport mitigation measures required for the development of the site, it is essential that significant modal shift is delivered through strong travel plans and other sustainable measures.

8.32 The Council will outline expected infrastructure provision of both green infrastructure and built infrastructure required as part of the joint agreed master planning process to the cross-border Humber Doucy Lane sites. The Whole Plan Viability Assessment for the Local Plan identifies that this area of land falls within a high value zone and indicates that approximately 30% affordable housing could be achieved on this greenfield development. This level of affordable housing also broadly aligns with the Suffolk Coastal Local Plan affordable housing requirement of 33%.

Appendix D: SCLP12.24 - Land at Humber Doucy Lane, Rushmere St Andrew



Policy SCLP12.24: Land at Humber Doucy Lane

9.9ha of land to the east of Humber Doucy Lane is identified to come forward for the development of approximately 150 dwellings in conjunction with land identified in the Ipswich Local Plan. Development will only come forward as part of a masterplanned approach with land in Ipswich Borough.

Development will be expected to comply with the following criteria:

- a) Delivery of a high quality design incorporating a mix of housing types, including affordable housing on-site;
- b) A site-specific Flood Risk Assessment will be required;
- c) Provision of 0.1ha of land for an early years setting if needed within the part of the site in East Suffolk;
- d) Contribution to the creation of a 'green trail' around Ipswich and provision of on-site open space;
- e) Provision for sufficient primary school spaces;
- f) Provision of a soft edge to the urban area through the provision of significant landscaping;
- g) Promotion of the use of sustainable modes of transport;
- h) An archaeological assessment will be required;
- i) Design, layout and landscaping of the development should be carefully designed to preserve the setting of the nearby listed buildings; and
- j) A project level Habitats Regulations Assessment will be required.

Development will be accessed via Humber Doucy Lane. A Transport Assessment will be required to identify any necessary improvements to highways and junctions on Humber Doucy Lane and Tuddenham Road.

Explanatory Text - Pages 270 - 272

12.212 Land at Humber Doucy Lane is allocated for development of 150 dwellings, alongside land in Ipswich Borough.

12.213 East Suffolk borders Ipswich Borough. The Ipswich Borough boundary is tightly drawn and to assist with enabling the housing need for Ipswich to be met within the Borough, land at Humber Doucy Lane within the Suffolk Coastal Local plan area is identified as an allocation for housing development which would come forward as part of a masterplanned approach including land within Ipswich Borough. It would not be appropriate for the land in East Suffolk to come forward without the land in Ipswich Borough as access to the site is required through land in Ipswich Borough. An equivalent policy relating to land within Ipswich Borough is being established through the Ipswich Local Plan, which is currently under preparation.

12.214 The site is within the parishes of Rushmere St Andrew and Tuddenham St Martin, however the site is geographically related to the edge of Ipswich rather than to the villages themselves.

12.215 The site is agricultural land and forms part of a wider, continuous, area of agricultural land which has been made available for development through the production of both the Ipswich Local Plan and the Suffolk Coastal Local Plan. The area of land in Ipswich Borough includes the land to the immediate south west of the site and the land to the immediate north west of the site. Development should also seek to preserve the significance of the Listed Buildings to the north and east of the site. These are Allens House, Laceys Farmhouse, and the Garden Store north of Villa Farmhouse.

12.216 To the north east of the site is a relatively enclosed area comprising a small number of dwellings within an area of mature trees. These are accessed via Tuddenham Lane which borders part of the north eastern boundary of the site.

12.217 The Settlement Sensitivity Assessment identifies opportunities in this area to soften the urban edge of Ipswich, and therefore development would be expected to provide significant landscaping and open space in the north eastern part of the site which would also act to retain separation and the rural character of the area around Tuddenham Lane to the north. This could also help with the delivery of a 'green trail' around Ipswich, which is a well-established policy within the Ipswich Borough Council Local Plan.

12.218 The site is in close proximity to the Ipswich Garden Suburb, a strategic allocation in the adopted Ipswich Local Plan which is anticipated to deliver approximately 3,500 dwellings and other uses, including three new primary schools, largely over the course of the Local Plan period. Primary school capacity is a current constraint on development at Humber Doucy Lane coming forward, and it is anticipated that additional capacity can be provided through the planned new provision at the Ipswich Garden Suburb to ensure there is adequate provision for this development. This is anticipated to affect the timing of development coming forward.

12.219 The site is expected to be accessed via Humber Doucy Lane, as part of the masterplanned approach with the adjoining land in Ipswich Borough. Transport modelling indicates that there are capacity issues on the network close to the site. Due to the proximity and connectivity of the site to Ipswich, and to seek to mitigate any impacts on the surrounding

road network, it is expected that a robust package of measures to promote sustainable transport would form part of any proposals.

12.220 The site lies in an area of archaeological potential. Cropmark sites of boundaries relating to historic landscape use are recorded to the east, as well as prehistoric artefact scatters. A scatter of medieval artefacts is recorded in the north western part of the site. However, this site has never been the subject of systematic archaeological investigations and previously unidentified remains may exist on the site which could be damaged or destroyed by development.

12.221 The site is located in a Source Protection Zone and treatment of surface water for pollutants prior to disposal is vital. This may require larger areas to be dedicated for SuDS than standard. The Cross Boundary Water Cycle Study between Suffolk Coastal District Council and Ipswich Borough Council identifies this site as being within Flood Zone 1. As the site area is over 1 ha, any proposals for further development must be accompanied by a site-specific Flood Risk Assessment.

12.222 Project level Habitats Regulation Assessment will be required and should be carried out alongside the masterplanning process, considering the whole site along with the adjacent allocation in Ipswich Borough. Project level HRA will need to demonstrate that adverse effects can be prevented with long term mitigation measures.

12.223 Rushmere Hall Primary School is operating close to capacity and is forecast to exceed capacity. Consideration will therefore need to be given to the provision of primary school spaces to meet the needs arising from the development which may include a contribution towards the provision of additional spaces at the Ipswich Garden Suburb. Northgate High School is expected to exceed capacity, with new provision due to be made at Ipswich Garden Suburb, as referred to above. Between them, these schools should be able to make provision for these pupils, although a contribution would be required through the Community Infrastructure Levy towards additional spaces.

12.224 Early years provision is forecast to be over capacity within the Fynn Valley Ward. The development of this site would therefore be required to provide 0.1ha of land for a new early years setting, and this could be either within Ipswich Borough or Suffolk Coastal District. Contributions will also be sought through the Community Infrastructure Levy to provide additional spaces in Witnesham.

12.225 The East Suffolk & Ipswich Clinical Commissioning Group have indicated that a contribution will be required through the Community Infrastructure Levy towards enhancements at the Two Rivers Medical Centre, as detailed in the Infrastructure Delivery Framework.

12.226 Suffolk County Council have indicated that Foxhall household waste recycling centre is overcapacity and under pressure due to the site size and access from the highway. As a result, a contribution through the Community Infrastructure Levy will be required towards the expansion of the centre as identified in the Infrastructure Delivery Framework.

12.227 Suffolk County Council have provided information relating to library improvements across the plan area. This site falls within the catchment of Ipswich library which has been identified as a library where improvements are necessary to enhance provision. A contribution would be made through the Community Infrastructure Levy as set out in the Infrastructure Delivery Framework.