



Town & Country Planning Act 1990

Town & Country Planning (Inquiries Procedure) (England) Rules 2000

PLANNING PROOF OF EVIDENCE

for

Rule 6 Party - Suffolk County Council

Appellants: Barratt David Wilson & Hopkins Homes

Appeal reference:

APP/X3540/W/24/3350673 (Lead Case) and APP/R3515/W/24/3350674

Proposal:

Hybrid Application - Full Planning Permission for the means of vehicle, cycle and pedestrian access to and from the site. Outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works.

Appeal Site:

Land North-East of Humber Doucy Lane, Ipswich

LPA References:

IP/24/00172/OUTFL and DC/24/0771/OUT

23 DECEMBER 2024

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1. EXECUTIVE SUMMARY

- 1.1 I am a Chartered Town & Country Planner, a Director of LAUK Planning Ltd and have over 17 years professional experience spanning planning consultancy, house building and development management in Local Government. This proof is provided following the Appellants lodging two conjoined appeals against the Local Planning Authorities' (LPAs') decision to refuse to grant planning permission in respect of planning application references IP/24/00172/OUTFL and DC/24/0771/OUT. This proof has been prepared on behalf of Suffolk County Council in support of the matters raised in its objections to the proposed developments which were reflected in the LPAs' reasons for refusal, and which remain extant on this appeal.
- 1.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF (2024) provides that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).
- 1.3 Sections 6, 7 and 8 of this proof, together with the other proofs provided by the County Council's other witnesses, outline the specific harms arising from the development proposals and shows the scheme to be in conflict with the relevant policies contained within the development plan and identifies material considerations that weigh against this appeal being allowed.
- 1.4 For the reasons I set out above, I do not consider that the proposals promote sustainable development, there is clear conflict with the development plan and if the issues identified by the County Council are not overcome, the County Council cannot support the grant of permission

2. QUALIFICATIONS, EXPERIENCE & INTRODUCTION

- 2.1 I hold a Bachelor of Arts (Honours) degree in Town & Country Planning from the University of the West of England and a Masters of Science in Development Planning from the University of Reading. I have worked in a professional capacity in Town & Country Planning for over 17 years working for private consultancies, Local Authorities and a medium sized housebuilder. I am a fully chartered member of the Royal Town Planning Institute (RTPI).
- 2.2 I am currently employed by LAUK Planning Limited as a Director. I have held this position since 2018. LAUK Planning Limited is an independent planning consultancy which offers Town & Country Planning Services to a range of public and private sector clients. The consultancy services I provide to the public sector involves major and complex casework. Prior to my current role, I was employed as a Planning Manager for Bewley Homes – a medium sized housebuilder - before which I was employed in a Team Manager position in Development Management at Wokingham Borough Council.
- 2.3 My evidence is provided on behalf of the County Council in connection with its objections to the proposed development with reference to reasons for refusal 2,3,5,8 and 13 – to adopt Ipswich Borough Council’s referencing. The County Council’s concern relates to matters arising from its statutory functions which would be impacted by the appeal development. The areas of concern that I address in this proof relate to highways, surface water/drainage, education and early years provision, waste and libraries.
- 2.4 It should be recorded that whilst objections relating to archaeology and the mitigation of the development’s impact upon the provision of waste services were set out in the County Council’s Statement of Case (**SC2**), these matters have now been satisfactorily addressed by the Appellants as detailed in the relevant Statement of Common Grounds (**SoCG2** and **SOCG6**). It is the view of the County Council that reason for refusal 8 (IBC’s referencing) is now capable of being addressed by condition.
- 2.5 This proof should be read with the proof of evidence prepared by Mr Luke Cantwell-Forbes which sets out the County Council’s evidence in respect of technical highways matters and the proof of evidence prepared by Mr Benjamin Locksmith which deals with matters pertaining to flood risk and drainage. I draw on those proofs for the technical matters that underpin my assessment and rely on the conclusions contained within them.
- 2.6 Statements of Common Ground have been prepared in respect of Archaeology (**SOCG2**), Highways (**SOCG4**), Flood Risk & Drainage (**SOCG5**) and Infrastructure/Developer Contributions (**SOCG6**) to assist the Inspector in understanding the matters that are agreed between the Appellants and the County Council and those matters that remain in dispute. A signed and agreed version of these Statements of Common Ground will be made available to the Inspector in

accordance with the Inquiry Timetable and will be published in advance of the opening of the Public Inquiry. Where matters have not been agreed they will, as far as possible, be sought to be agreed in supplementary Statements of Common Grounds which will be progressed after the exchange of proofs.

- 2.7 A legal agreement is being progressed, and it is anticipated that the content of the legal agreement and its compliance with Section 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) will be the subject of a roundtable discussion that will take place during the Public Inquiry. The planning obligations that are secured through the legal agreement will be assessed against the CIL Regulations in a CIL compliance statement produced by the County Council which will be provided to the Inspector.
- 2.8 I understand my overriding duty to the Inquiry. I have complied and will continue to comply with that duty. The evidence that I have provided for this appeal has been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed in this proof of evidence are my true and professional opinions.

3.0 BACKGROUND

- 3.1 This section of this proof sets out the background to this appeal, where appropriate referring to the Statements of Common Ground (**SoCG4**, **SoCG5** and **SoCG6**) that is being produced in collaboration with the Appellants.

Planning History

- 3.2 The site's planning history that is relevant to this appeal is set out in the delegated reports and statement of common ground (**DD3**, **DD4** and **SoCG1**). I will not duplicate this information for the purposes of this Proof.

Site Description

- 3.3 A comprehensive description of the appeal site is provided in the LPAs' delegated reports (**DD3** & **DD4**). I will not duplicate this information for the purposes of this Proof.

Description of Development

- 3.4 A description of the appeal development is set out on the decision notices (**DD5** and **DD6**). I will not duplicate this for the purposes of this Proof but, in brief, the appeal development seeks full planning permission for the means of access to the site and outline planning permission for the erection of up to 660 dwellings, Class E floorspace, an Early Years Facility and associated works and infrastructure on the appeal site.

Reasons for Refusal

- 3.5 The LPAs' reasons for refusal that are of particular relevance to the County Council are Ipswich Borough Council reasons for refusal 1, 2, 3, 5, 8 and 13 and East Suffolk Council's reasons for refusal 2, 4, 7 and 11.
- 3.6 Reason for refusal 13 relates to an absence of a legal agreement to secure planning obligations. It is anticipated that a draft of the legal agreement will be presented to the Inspector once the inquiry has opened. It is the County Council's view that reason for refusal 13 may fall away but only if all the specific areas of concern, relating to planning obligations and the provision of infrastructure, have been satisfactorily addressed

4.0 DECISION TAKING CONTEXT

- 4.1 Section 70 of the Town & Country Planning Act 1990 and section 38 of the Town & Country Planning Act 1990 provide that planning decisions must be made in accordance with the development plan unless there are material considerations to indicate otherwise.

The Development Plan

- 4.2 The Development Plan comprises East Suffolk Council Suffolk Coastal Local Plan (2020), the Rushmere St. Andrew Neighbourhood Plan and Ipswich Core Strategy and Policies DPD (2022). The development plan policies that are relevant to the appeal with particular reference to the County Council's case are set out below.

East Suffolk Council Suffolk Coastal Local Plan (2020)

- 4.3 The following Suffolk Coastal Local Plan Policies are considered to be of particular importance to the County Council's case:
- SCLP12.24 - Land at Humber Doucy Lane
 - SCLP7.1 - Sustainable Transport
 - SCLP9.6 - Sustainable Drainage Systems
 - SCLP3.5 - Infrastructure Provision

Rushmere St. Andrew Neighbourhood Plan

- 4.4 The following Rushmere St. Andrew Neighbourhood Plan policies are considered to be of particular relevance to this appeal:
- RSA 9 (Design Considerations)

Ipswich Core Strategy & Policies DPD (2022)

- 4.5 The following policies contained within the Ipswich Core Strategy and Policies DPD (2022) are considered to be of particular importance in the determination of this appeal:
- ISPA4 - Cross-boundary Working to Deliver Sites
 - DM4 - Development and Flood Risk
 - DM21 - Transport and Access in New Developments
 - CS15 – Education Provision
 - CS17 - Delivering Infrastructure

Material Considerations

National Planning Policy Framework (NP2) & National Planning Practice Guidance

- 4.6 Chapter 2 of the NPPF sets out Government’s guidance aimed at “*Achieving Sustainable Development*”. The NPPF also contains chapters on “Promoting healthy and safe communities”, “Promoting sustainable transport”, “Meeting the challenge of climate change, flooding and coastal change” all of which are relevant to the County Council’s objections in the context of this appeal.

Additional Planning Guidance

- 4.7 The following documents are considered to contain guidance that is of relevance to the determination of this appeal:
- SCC Guidance on seeking & securing developer contributions for library and archive provision in England (November 2023) (**OT9**)
 - Suffolk County Council Developer’s Contribution response (April 2014) (**OT10**)
 - Early years foundation stage statutory framework for group and school-based providers (October 2024) (**OT11**)
 - Museums Libraries and Archives Council (MLA) publication: Public Libraries, Archives and New Development: A Standard Charge Approach (May 2010) (**OT12**)
 - Area Guidelines for SEND and alternative provision (December 2015) (**OT13**)
 - Library Services in Suffolk – Needs Assessment (October 2023) (**OT14**)
 - Securing Developer Contributions for Education (August 2023) (**OT18**)

Legislation

- 4.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.9 The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) established the statutory framework for developer contributions in the form of Section 106 Planning Obligations.
- 4.10 Regulation 122 of the Community Infrastructure Levy Regulations (2010) sets out three tests for developer contributions. These are repeated at paragraph 58 of the NPPF.
- 4.11 The County Council, as the local authority with responsibility for education, has a general responsibility for education, under Section 13 of the Education Act 1996, which states:

“A local authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by

securing that efficient primary education and secondary education and, in the case of a local authority in England, further education, are available to meet the needs of the population of their area.”

- 4.12 This is supplemented by the duty under Section 15ZA of the Education Act 1996 to ‘secure that enough suitable education and training is provided to meet the reasonable needs’ of young people aged between 16-19, or to 25 if an Education, Health and Care (EHC) plan is maintained. The County Council must ‘take account of education and training whose provision the authority think might reasonable be secured by other persons.’ (S.15ZA, para. 4(d))
- 4.13 The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare that is responsive to parents’ needs. Local authorities are required to take a lead role in facilitating the childcare market within the broader framework of shaping children’s services in partnership with the private, voluntary and independent sector.
- 4.14 Section 6 of the Act defines ‘sufficient childcare’ as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up or remain in work or undertake education or training which could be reasonably expected to assist them obtain work.
- 4.15 Section 7 of the Act sets out a duty to secure free early years provision for pre-school children aged between 3 and 4. The current free entitlement of 15 hours free education was introduced in September 2010, an increase from the previous entitlement of 12 hours.
- 4.16 The Education Act 2011 places a statutory duty on local authorities to ensure the provision of early education for every disadvantaged 2 year old by 2013. Clause 1 of the Act amends Section 7 of the Childcare Act 2006 introducing the statutory requirement for 2 year old education. The County Council defines ‘disadvantaged’ by a selection of primary and secondary eligibility criteria, including receipt of benefits, local Index Multiple Deprivation (IMD) data and health data.
- 4.17 The DfE statutory guidance Early education and childcare [updated 01 January 2024] (**CDX**) is statutory guidance which sets out the duties on local authorities pursuant to section 2 of the Childcare Act 2016 and sections 6, 7, 7A, 9A, 12 and 13 of the Childcare Act 2006. Local authorities must have regard to this guidance when seeking to discharge those duties and should not depart from it unless they have good reason to do so. This guidance applies from 1 April 2024.

4.18 The DfE guidance applies to:

- the duty on local authorities to secure early years provision free of charge
- the duty to secure sufficient childcare for working parents, including wraparound childcare
- the duty to secure childcare free of charge for eligible working parents of 3- and 4-year-olds
- the provision of information, advice and assistance to parents, and
- the provision of information, advice and training to childcare providers

4.19 The guidance also supports the introduction of the following working parent entitlements:

- from April 2024, the 15-hour entitlement for children of eligible working parents from the age of 2
- from September 2024, the 15-hour entitlement for children of eligible working parents from the age of 9 months
- from September 2025, the 30-hour entitlement for children of eligible working parents from the age of 9 months

4.20 The Apprenticeship, Skills, Children and Learning Act 2009 placed the duty to provide sufficient children's centre provision, to meet local need, on local authorities. The act defines local need as the need of parents, prospective parents, and young children (under the age of 5) in the local area. Sufficient provision is based on the drivers that underpinned the roll out of the national programme of children's centres from 2003 to 2010.

4.21 Suffolk County Council is the Lead Local Flood Authority for Suffolk under the Flood and Water Management Act 2010.

4.22 The County Council is the Highway Authority responsible for the maintenance of the road network under Section 41 of the Highways Act 1980, excluding Trunk Roads. The County Council is also the Transport Authority responsible for producing and implementing Local Transport Plans under Section 108 of the Transport Act 2000.

4.23 The County Council also has a duty under the Section 7 of the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service to all who live, work or study in the area.

Key Implications of the Decision Taking Framework

- 4.24 Paragraph 2 of the NPPF confirms that that applications for planning permission are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also clarifies that the NPPF is a material consideration in planning decisions.
- 4.25 The NPPF is an important material planning consideration in the determination of this appeal. Paragraph 11 sets out the presumption in favour of sustainable development. Paragraph 11(c) is the relevant test for the purposes of determining this appeal. For decision-taking this means: *“approving development proposals that accord with an up-to-date development plan without delay”*.
- 4.26 Paragraph 15 of the NPPF explains that 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.

5. RELEVANT APPEAL DECISION

5.1 The following appeals are relevant to this appeal and provide examples of where appeal Inspectors have supported Suffolk County Council's requests for infrastructure contributions and confirm the CIL compliance of the County's approach to seeking contributions to early years, education, libraries and highways.

- APP/W3520/W/23/3317494 (**OT22**)
- APP/F3545/W/22/3297751 (**OT23**)
- APP/D3505/W/18/3214377 (**OT24**)

6 HIGHWAYS MATTERS - REASONS FOR REFUSAL 2 & 3

- 6.1 Reason for refusal 2 is concerned with the impacts of the development on the surrounding highway network which needs to be robustly assessed to understand the acceptability of the proposals and the nature of any subsequent mitigation that is required. Reason for refusal 3 is concerned with the suitability of the proposed access arrangements.
- 6.2 The Highways proof prepared by Mr Cantwell-Forbes (**POE1**) details the County Council's concerns relating to the submitted Transport Assessment (reference 230597, dated March 2024) (**AD37**) and that the impact of the proposed development on the highway network cannot be fully assessed or understood. The proof of Mr Cantwell Forbes describes the shortcomings associated with the Transport Assessment and vehicular access proposals relating to visibility and design, as well as a lack of confidence in the Appellants' assumed trip distribution for development related traffic, and the impacts the development may present on background traffic not associated with the development site.
- 6.3 The evidence of Mr Cantwell-Forbes demonstrates that based on the information and drawings which have been submitted, it cannot be concluded that the development proposals would not lead to an unacceptable impact on highway safety or that the residual cumulative impacts on the road network, following mitigation, would not be severe taking into account all reasonable future scenarios. The appeal development therefore cannot be said to comply with paragraph 115 of the NPPF (2024)
- 6.4 Reason for refusal 2 is also concerned with the requirement to ensure opportunities to promote walking, cycling and public transport use are identified and secured. The proof of Mr Cantwell-Forbes sets out that the Appellant has failed to promote and prioritise walking and cycling off-site or to ensure safe and suitable access to the site for all users and also considers the shortcomings arising from the lack of inclusion of the Rugby Club land and the implications this has on highways issues.
- 6.5 Paragraph 115 of the NPPF provides that applications for development should ensure that *"sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location"* (a) and ensure *"safe and suitable access to the site can be achieved for all users"* (b). Paragraph 117 (a) expands on these requirements by stating that applications for development should *"give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment*

area for bus or other public transport services, and appropriate facilities that encourage public transport use”.

- 6.6 Whilst it is acknowledged that a suitable planning obligation – a matter that is being progressed – could ensure that public transport improvements are secured; the proof of Mr Cantwell-Forbes shows that concerns remain regarding pedestrian and cycle connectivity such that the development cannot be said to comply with paragraphs 115 and 117 of the NPPF.

Assessment against Development Plan Policies

- 6.7 The principal policies for the application site are Ipswich Core Strategy & Policies DPD Policy ISPA4 – Cross Boundary Working to Deliver Sites (ISPA4.1) and East Suffolk Council Suffolk Coastal Local Plan Policy SCLP 12.24
- 6.8 Policy ISPA4 allocates 23.28ha of land at the northern end of Humber Doucy Lane, identified on the Policies Map as ISPA4.1. Key requirements of Policy ISPA4 include Transport measures comprising:
- 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
- 6.9 Ipswich Core Strategy & Policies DPD Policy DM21 provides that to promote sustainable growth in Ipswich and reduce the impact of traffic congestion, new development shall (amongst other things), not result in a severe adverse impact on rights of way or the local road network in respect of traffic capacity and highway safety; promote pedestrian and cycle accessibility to and permeability within the site; and have safe and convenient access to public transport within 400 metres. It also requires an application to demonstrate how any adverse transport impacts would be acceptably managed and mitigated to contribute to achieving the modal shift target.
- 6.10 ESC Policies SCLP12.24, specifically criteria d) and g), and SCLP7.1 address the transport requirements expected in developing the site in question. SCLP12.24 sets out that a Transport

Assessment is required to identify any necessary improvements to highways and junctions on Humber Doucy Lane and Tuddenham Road.

6.11 The adopted East Suffolk Cycling and Walking Strategy (C&WS) (East Suffolk Cycling and Walking Strategy » East Suffolk Council) (**SPD9**), which acts as the Local Cycling and Walking Infrastructure Plan for East Suffolk, identifies a number of active travel infrastructure recommendations that are expected to be provided through the delivery of policy SCLP12.24. These infrastructure recommendations are as follows:

- Introduce a segregated cycling and walking track along Humber Doucy Lane, segregated from the road by existing vegetation. This segregated track should run all the way along Humber Doucy Lane and across the area of land between Playford Road and Woodbridge Road, becoming an on road facility in the form of a Cycle Street between the Humber Doucy Sports Centre vehicle access and Playford Road. Introduce cycling and walking crossing points at appropriate intervals along Humber Doucy Lane.
- Introduce a shared cycle/footway along Sidegate Lane.
- Introduce a cycling and walking connection onto Tuddenham Lane and Bridleway 1. Widen and resurface Bridleways 1, 15, and 2 to accommodate cyclists and pedestrians.

6.12 The importance of these active travel interventions are emphasised in the opening sentence of policy SCLP7.1, “Development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities”, and further emphasised in criteria c, d), e), f), and g) of the policy. Of particular note is criterion c), which provides that “All available opportunities to enable and support travel on foot, by cycle or public transport have been considered and taken”. The policy sets a clear expectation that the C&WS active travel infrastructure recommendations are secured. To do otherwise would represent a conflict with this policy.

6.13 In my view the development plan policies outlined above, that deal with matters pertaining to highways and sustainable transport, are entirely consistent with the NPPF and should be held in full weight in the determination of this appeal. The harm arising from the failure to ensure safe and suitable access and the failure to show that the development would not have a severe cumulative impact on the highway network, together with a failure to prioritise

sustainable modes of transport should - in my view - be given **very substantial weight** in the overall planning balance.

7 FLOOD RISK & DRAINAGE REASON FOR REFUSAL 5 (IBC), 4 (ESC)

- 7.1 This reason for refusal reflected several concerns raised by the LLFA in its consultation response to the application. As set out in the Drainage Statement of Common Ground and the Proof of Mr Locksmith a number of those matters have now been addressed following the submission of additional information including an updated Proposed Surface Water Drainage Strategy (**AD13**). It should also be recorded that matters pertaining to drainage as far as they relate to master planning also raise concerns in relation to reason for refusal 1 (IBC).
- 7.2 As set out by the proof of evidence of Mr Locksmith (**POE2**) points 6 (assessment of surface water hazard potential), 7 (highway drainage) and 9 (strategic swales and basins) of the LLFA's consultation response have not been addressed despite the additional information produced by the Appellant in the form of Proposed Surface Water Drainage Strategy 890695-RSK-ZZ-XX-DR-C-0007-P02 (04-12-2024)(**AD13**).
- 7.3 Paragraph 181 of the NPPF requires that, in the determination of planning applications, it should be ensured that flood risk is not increased elsewhere. To achieve this development should only be allowed in areas at risk of flooding where it can be demonstrated (inter alia) that development is appropriately flood resistant and resilient (b) and it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate (c).
- 7.4 Paragraph 182 of the NPPF provides that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits where possible, through facilitating improvements in water quality and biodiversity, as well as amenity. The paragraph continued by stating that, sustainable drainage systems provided as part of development proposals for major development should:
- a) take account of advice from the Lead Local Flood Authority
 - b) have appropriate proposed minimum operation standards; and
 - c) have maintenance arrangements in place to ensure acceptable standard of operation for the lifetime of the development
- 7.5 Ipswich Policy DM4 states that new development will only be approved provided it does not increase the overall risk of all forms of flooding in the area through the layout and form of the development and appropriate application of SuDS, it will be adequately protected from the

risk of flooding, remain safe for the lifetime of the development, and include rainwater efficiency measures.

- 7.6 East Suffolk Policy SCLP12.24 requires a site-specific flood risk assessment to be provided with the application, which has been submitted. Policy SCLP9.5 states that developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere. Policy SCLP9.6 sets out the requirements for sustainable drainage systems, in which developments of 10 dwellings or more, or non-residential development with upwards of 1,000 sqm of floorspace or on sites of 1 hectare or more, will be required to utilise sustainable drainage systems, unless demonstrated to be inappropriate.
- 7.7 Rushmere St. Andrew Neighbourhood Plan policy RSA 9 specifically requires development in the neighbourhood plan area to not result in water run-off that would add to or create surface water flooding, through the incorporation, as appropriate to the development, of above ground open Sustainable Drainage Systems (SuDS), which could incorporate wetland and other water features.
- 7.8 In my view the development plan policies outlined above that deal with matters of flood risk and drainage are entirely consistent with the NPPF and should be held in full weight in the determination of this appeal. Whilst a site-specific FRA has been provided, Mr Locksmith's evidence shows that it is unclear how drainage infrastructure will be accommodated within the site, and it has not been shown that the drainage system will function to adequately manage flood risk. On this basis the appeal development is clearly contrary to local plan policies DM4 and SCLP9.6, Neighbourhood Plan policy RSA 9 and the advice contained in the NPPF.
- 7.9 It is my view that the failure to provide a drainage strategy which provides adequate protection from flooding and is safe for the lifetime of the development, and the environmental and social harm this causes should be held in **substantial negative weight** in the overall planning balance.

8 REASON FOR REFUSAL 13 – INFRASTRUCTURE CONTRIBUTIONS

8.1 Reason for refusal 13 states that:

“S106 If consent were to be granted for the development of this site a S106 Legal Agreement would be required at this Outline Stage in order to secure necessary mitigation, housing mix and type, affordable housing and infrastructure to support the proposed development. At the point of decision no S106 Legal Agreement has been agreed and therefore Local Plan Policies ISPA4, CS8, CS12, CS16, CS17, DM8 and DM21 which require mitigation, affordable housing and infrastructure are not complied with.”

8.2 Reason for refusal 13 is concerned with the provision of planning obligations to mitigate the development’s impact upon services and infrastructure.

8.3 Ipswich Local Plan policy CS17 explains that the Council will require all developments to meet the on and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment. Ipswich Local Plan policy ISPA4, which deals specifically with the appeal site’s allocation, sets a requirement for the development to provide infrastructure including the provision of primary school places and an early years setting to meet the need created by the development. Similarly the Suffolk Coastal Local Plan Policy CLP3.5 Infrastructure Provision, and SCLP12.24 requires provision of 0.1ha of land for an early years setting,

8.4 East Suffolk Council – Suffolk Coastal Local Plan [adopted 23 September 2020] includes Policy SCLP2.2: Strategic Infrastructure Priorities, Policy SCLP3.1: Strategy for Growth, Policy SCLP3.5: Infrastructure Provision. Whilst East Suffolk is a CIL charging authority, some infrastructure including the early years setting and transport improvements would be collected through a S106 Agreement to secure contributions.

8.5 Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: Promoting healthy and safe communities. Paragraph 100 of the NPPF explains that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. It states that great weight should be given to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plan and decisions on applications.

- 8.6 Paragraph 101 of the NPPF continues by stating that that to ensure faster delivery of other public services such as (inter alia) libraries, local planning authorities should also work proactively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering development proposals.
- 8.7 The adopted SCC Developers guide to infrastructure contributions in Suffolk Developers' Guide (**DG3**), identifies a requirement for contributions towards early years, education, libraries, highways and transport and waste provision. Topic Paper 3 (**DG3** and **DG3.1**) outlines the methods used to calculate an appropriate contribution towards early years provision, on a site by site basis. Topic Paper 4 (**DG3.2**) outlines the approach for calculating an appropriate level of developer contributions, on a site-specific basis for primary, secondary and sixth form provision. Topic Paper 8 (**DG3.3**), sets out a standard formula for calculating proportional contributions towards library provision, on a site by site basis. Topic Paper 7 (DG7) sets out how SCC will assess the transport requirements for a site. Topic Paper 11 (**DG12**) sets out a standard developer contribution, dependent on local need, towards waste disposal facilities. These are in line with policies CS14 and DM41 of the Development Plan and the requirements of the Developers Guide (**DG3**) are therefore attributed significant weight.
- 8.8 There is clear policy support and material considerations that make provision for a range of developer contributions to be sought to mitigate the impact of development on services and infrastructure. In my view to allow appeal for development that would not mitigate such impacts cannot be regarded as sustainable development and would lead to public dissatisfaction in the planning system.

A S106 agreement is being progressed and will make provision for the necessary infrastructure in the event that the Inspector is minded to allow the appeal. A CIL Compliance statement is being produced by the County Council to demonstrate how the relevant planning obligations comply with the tests contained in the CIL regulations. It should be recorded that the area that falls within East Suffolk Council's jurisdiction is a CIL charging authority – however, the new build early years setting and highway mitigation will still fall to section 106 as set out in ESC's infrastructure funding statement. All infrastructure requirements within Ipswich Borough Council's area fall to section 106. As set out in the relevant Statement of Common Ground (**SOCG6**) CIL be levied on dwellings in East Suffolk, apart from s106 for early years and highways. Where a dwelling (including a garage) straddles the two authority areas, CIL will be charged on the floorspace within East Suffolk. The legal agreement will contain a mechanism for calculating

the percentage reduction that will apply to the relevant contributions generated by each such dwelling to reflect the fact that CIL will be paid, but the obligations within Ipswich's area will still need to be collected. I address the individual infrastructure requirements for which contributions are required below.

Waste

- 8.9 As set out in the infrastructure statement of common ground (**SoCG6**), the scope of the contribution to waste services has been agreed between the County and the appellant and is no longer a contested matter. Further details of this contribution will be set out in the CIL Compliance Statement.

Libraries

- 8.10 Local authorities have a duty under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service to all who live, work or study in the area. In addition to the NPPF guidance and Development Plan, material considerations support the requested contribution to libraries. The adopted Developers' Guide identifies a requirement for contributions towards library provision and, at topic paper 8, sets out a standard formula for calculating proportional contributions on a site-by-site basis.
- 8.11 The Arts Council England (ACE) in Partnership with The National Archives has published guidance on seeking and securing developer contributions for library and archive provision in England [November 2023] (**OT26**). This references the Museums, Libraries and Archives Council (MLA) publications Public Libraries, Archives and New Development: A Standard Charge Approach [May 2010] (**OT12**). This sets out an approach for calculating and securing developer contributions as part of Section 106 agreements and for future application under the Community Infrastructure Levy.
- 8.12 The two main parameters of a standard charge for public libraries are:
- A space standard. The standard recommends a figure of 30 square metres per 1,000 population as a benchmark for local authorities, and
 - A construction and initial fit out cost; the Royal Institution of Chartered Surveyors) Building Cost Information Service data, the national average, and currently recommended benchmark figure, is £3,514 per square metre.
- 8.13 A calculation using the national benchmark figure above suggests a cost of £105,420 (30 x £3,514) per 1,000 people, or £105 (rounded) per person in new housing. These figures do not include any land purchase costs or VAT. Regionally adjusted standard charge figures for public

libraries for East Anglia suggests a construction and initial fit out cost of £3,233 per square metre and £97 per person in new housing.

- 8.14 Suffolk County adopts a construction and initial fit out cost of £3,000 per square metre, which suggests a cost of £90,000 (30 x £3,000) per 1,000 people, or £90 per person in new housing. With 2.4 persons per dwelling the total per dwelling contribution is £216.
- 8.15 It is common ground between the Appellant and the County (paragraph 2.13-2.15 of **SoCG6**) that Ipswich County Library serves a catchment population of 61,575 serving Ipswich and other parishes and that the site falls within the Ipswich combined libraries catchment. The Appellant does not agree with the methodology for calculating the contribution, yet they have not suggested any alternative and they suggest that there is no need for the contribution because the new homes will be populated by residents who already live within the catchment. It is the County Council's view that this ignores the fact that any homes vacated by the residents of the appeal site will be occupied by new households. There are a variety of ways that a contribution to libraries could be calculated to mitigate the impacts of development, yet it is necessary for the County to adopt a consistent approach founded on a robust methodology.
- 8.16 The Libraries Needs Assessment was updated in March 24 (**OT27**). The needs assessment shows that the level of needs within Ipswich Combined catchment is high across many measures. Furthermore, the tables in (**OT28**) show that, over the last three years, usage in Ipswich libraries has increased over that time period in all of the following measures:
- Footfall
 - Issues
 - Total no. of borrowers
 - Event and activity attendees
- 8.17 The libraries contribution would be allocated to making improvements to the children's library and improving disabled access.
- 8.18 The Libraries Need Assessment (**OT27** page 26) shows that Ipswich has a young population. Approximately 20% of people in Suffolk are aged 0-15. The Children's area in Ipswich Library currently occupies a corner on the ground floor. The contribution would be allocated towards replacing this with a new area, covering a wider age range and range of interests navigating the library user from early years to teen and early adult.
- 8.19 The improved children's area would be located at the front of the library and enjoy increased space in an area with better lighting. Given the high level of young people in Ipswich Combined

Catchment, paired with low KS2 attainment, high proportion of people who do not speak English, high ethnic diversity, high levels of deprivation, education, skills and training deprivation – as set out in the Libraries Need Assessment - it is essential that Ipswich libraries offer good provision for children's library areas and the associated activities which they deliver through these. The growing population from this development will apply additional pressure on this service and the contributions would enable improvements.

- 8.20 The justification for a project which improves disabled access to the library is set out in the Libraries Needs Assessment which shows that Ipswich experiences higher levels of Health deprivation and disability compared to the rest of the county. This substantiates a greater responsibility to provide accessible library space for those who use it.
- 8.21 The absence of provision for libraries arising from the appeal scheme is held in **medium negative weight** in the overall planning balance.
- 8.22 The Education and Early Years, Libraries and Waste Statement of Common Ground between the Appellant and SCC identifies the following education matters not agreed between the parties:
- 8.23 The principle of contributions towards the provision of (or direct provision of) the infrastructure identified in paragraph 5.1 is agreed, with discussion between the Parties continuing in relation to the following details that are not agreed at the time of this statement:
- Early years – whether an adjustment should be made to SCC's child yield calculation (adjusted to take account of when entitlements apply);
 - Secondary/sixth – This is still being reviewed by the Appellants, and it is not known at this stage if it can be a matter of agreement.
 - SEND – the calculation of pupil yield. SCC's pupil yield is 0.016 pupil per dwellings resulting in a contribution of £1,548.90 per dwelling. The Appellants pupil yield factor is 0.0047 per dwelling which results in a contribution of £454.99 per dwelling.
- 8.24 Discussions have continued and it is expected that Early Years will be agreed before the Inquiry. The Main issues covered by this evidence are therefore set out below.

Early Years Setting

- 8.25 The principle for the need for an early years setting is set out in the Development Plan policies that relate to the allocation of this site for development. As set out in the relevant Statement of Common Ground (**SoCG6**) The Parties agree that the site lies within the wards of Rushmere and Calford and Fynn Valley. The County Council maintains a 'live' system that assesses sufficiency of provision and has confirmed that the ward sufficiency data shows there is a

deficit of early years places in the local area. Moreover, in anticipation of the additional demand expected as a consequence of the development, the Local Plan policies for the site allocation identify the need for on-site provision. The appeal development accordingly includes an “Early Years facility” within the description of development and paragraph 3.22 of the Planning Statement states that a new on-site building would be provided within the mixed-use area and an area of 0.22 hectares assigned for an Early Years Facility.

8.26 As set out in **SoCG6**, the County has continued to work with the Appellant to seek to agree pupil yields. It is expected to be confirmed through a further Statement of Common Ground that the pupil yield for Early Years arising from the development equates to 11.34 Full Time Equivalent (FTE) places per hundred homes which equates to a need of 74.8 FTE places). The pupil yield reflects the fact that most children start reception full-time in September after their fourth birthday. An early year setting for 74.83 pre-school places, based on operational requirements for early years settings, would need be delivered as a 90 place setting on a site of a minimum of 0.32 hectares. The requirement for a 30 place setting is based on the statutory child/staff ratios and the need to provide a cost effective childcare model (multiples of 30). Proportionate build costs are required which would be calculated as follows based on the DfE Scorecard cost for New Build Primary School (£25,989) Which the DfE Guidance ‘Securing developer contributions for education’ recommends the per place cost is the same for Early Years provision:

- $\text{£}25,989 \times 74.83 = \text{£}1,944,756.87$
- $\text{£}1,944,757.87 / 660 = \text{£}2,946.89 / \text{dwelling}$

8.27 It is also agreed between the County Council and Appellants that a legal agreement will be progressed that will make provision for either a financial contribution towards the build costs of a new early years setting together with the freehold transfer for £1 of fully serviced land to enable the County Council to deliver the setting or direct provision of a new early years setting that would be operated independently of SCC.

8.28 The Parties also agree that SCC does not need to procure the facility and that the Appellants may procure the facility subject to satisfying SCC that the mechanism proposed will ensure that a suitable facility will be provided and operated for as long as the facility is needed to meet the needs of the proposed development. It is also agreed that if the Appellants are procuring the early years facility then no transfer of land or financial contributions will be required.

8.29 The provision of the Early Years setting as part of the development and the compliance with this obligation with the CIL regulations will be outlined in full in the CIL Compliance Statement. It is however important to record that until such a time as the pupil yield for early years facility,

the size of the facility and/or the site has been agreed and provision is made for this item through an appropriately worded legal agreement, the absence of provision to early years provision is held in **substantial negative weight** in the overall planning balance.

Primary Education

- 8.30 The development would give rise to 212 primary aged pupils. As set out in the relevant statement of common ground it is agreed that Rushmere Hall Primary School is the nearest school and has capacity to meet the demand for primary school places expected as a result of the development. No primary education mitigation is required.
- 8.31 It is, however, necessary to ensure that there are safe walking routes within 2 miles of the school. This is addressed in the proof of Mr Cantwell-Forbes.
- 8.32 Based on the above and provided safe walking routes can be provided to Rushmere Hall Primary School, matters relating to primary education needs arising from the appeal development is held in **neutral weight** in the overall planning balance.

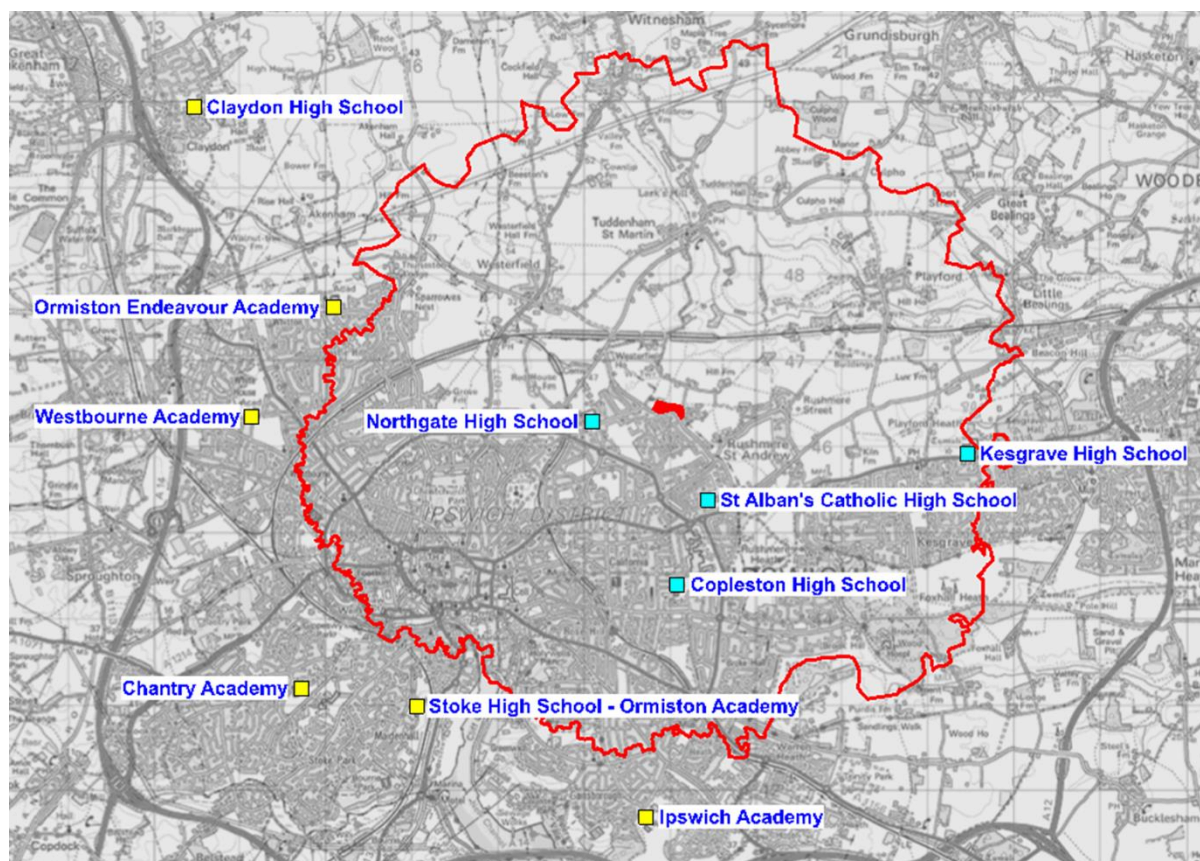
Secondary Education

- 8.33 As set out in the relevant Statement of Common Ground (**SoCG6**) the Appellant agreed that the development generates 99 secondary age pupils, based on 660 houses with more than two bedrooms. The education strategy for secondary students arising from this development is for the contribution to be made towards the costs of expanding Northgate Secondary School, or other secondary schools serving the proposed development. Therefore if 99 pupil places are required the contribution would be calculated as $99 \times £29,939 = £2,963,961$. The Appellant agrees the pupil yield and DfE build cost multipliers but currently haven't agreed the need for a financial contribution
- 8.34 Pupil movements - from the January 2024 school census. This only covers Years 7 to 11, as not all schools have sixth form.

8.1. School	8.2. Catchment area										
	Chantry	Copleston	Ipswich Academy	Northgate	Ormistone End	Stoke High School	Westbourne	Clydon	Kesgrave	Other areas	Total
Chantry Academy	695	2	8	6	8	202	14	2		13	950
Copleston High School	11	1201	239	67	8	17	21	3	27	11	1605
Ipswich Academy	7	34	930	15	4	22	13	1	2	16	1044

Northgate High School	20	79	26	102 8	30	11	37	5	8	17	1261
Ormiston Endeavour Academy	10	5	6	10	390	16	215	18	2	7	679
St Alban's Catholic High School	69	185	131	105	52	90	115	7	21	80	855
Stoke High School - Ormiston Academy	149	10	22	38	5	496	49	1	1	12	783
Westbourne Academy	29	6	8	21	80	47	847	21	2	7	1068
Claydon High School	13	1		1	79	7	82	536		53	772
Kesgrave High School	4	69	77	25	8	5	14	4	1272	62	1540
Other schools	225	25	91	30	19	166	32	95	85		
Total	123 2	161 7	153 8	134 6	683	107 9	143 9	693	1420		

8.35 Regarding the comment on secondary need, the only schools within three miles (walking distance) of the site are Northgate, St Alban's, Copleston and Kesgrave. All of these are forecast to be fully subscribed, or nearly fully subscribed even before additional pupils from housing are included. The map below shows the 3 mile walking distance boundary. It is, however, necessary to ensure that there are safe walking routes within 3 miles of the schools. This is addressed in the proof of Mr Cantwell-Forbes.



- 8.36 As for the pupil movements, Ipswich is an urban area with several secondary school in close proximity. This means that parental preference is a greater factor than in rural areas where it is more difficult to get to schools other than the local one. There is movement between all Ipswich catchments and schools, but very little into or out of the schools within 3 miles from outside the Ipswich area.
- 8.37 The table below is a simplified version of what the developer has already been sent (Years 7 to 11 from the January 2024 school census), but without separate rows and columns for the schools over 3 miles away.

School	Catchment area					Total
	Copleston	Northgate	Kesgrave	Other Ipswich	Other areas	
Copleston High School	1201	67	27	296	14	1605
Northgate High School	79	1028	8	124	22	1261
Kesgrave High School	69	25	1272	108	66	1540
St Alban's Catholic High School	185	105	21	457	87	855
Other Ipswich schools	57	90	7			
Other secondary schools	26	31	85			

Total	1617	1346	1420
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8.38 This shows that, particularly for Copleston and Northgate, there is very little movement from outside Ipswich, and a broadly similar level of movement in and out.

8.39 Full details of this obligation will be assessed against the CIL regulations in the CIL Compliance Statement. At present in the absence of provision for secondary education needs arising from the appeal development is held in **substantial negative weight** in the overall planning balance.

Sixth Form Education

8.40 The pupil yields arising from the development and DfE build costs are agreed with the Appellant, but they dispute the need for a financial contribution towards expansion of existing sixth form education provision including forward funding in anticipation of needs arising from the Proposed Development.

8.41 For sixth form need, this is actually far greater in East Ipswich than in any other part of Suffolk. Comparing the total population of Year 12 and 13 children in Suffolk (from GP registration data supplied by the DfE), across Suffolk as a whole 41% of these attend a Suffolk school sixth form (including One and Abbeygate Sixth forms). In the catchments of Northgate, Copleston and Kesgrave the equivalent figure is 63%.

Area	Population (Y12 -Y13)	Sixth form students	Percentage
Northgate, Copleston, Kesgrave	2185	1141	63.5%
Other Ipswich	2692	1054	46.6%
All Suffolk	16483	5582	41.2%

8.42 The demand for sixth form places in the relevant area, as a percentage of population, is 50% greater than for Suffolk as a whole.

8.43 The following tables, have been provided by the Education team at Suffolk County Council and indicate the surplus or shortage of post-16 education places at Northgate and Suffolk One.

One Sixth Form

	2024	2025	2026	2027	2028	2029
NCY 12	1284	1362	1369	1371	1401	1407
NCY 13	989	992	1052	1057	1059	1082
NCY 14	69	68	68	73	73	73
Subtotal	2342	2422	2489	2501	2533	2562

Housing	33	58	75	88	102	117
Total	2375	2480	2564	2589	2635	2679
Capacity	2300	2300	2300	2300	2300	2300
Shortage /Surplus	-75	-180	-264	-289	-335	-379

Northgate High School

	2024	2025	2026	2027	2028	2029	2030
NCY 12	237	244	241	246	241	247	249
NCY 13	196	206	212	210	214	210	215
NCY 14	0	0	0	0	0	0	0
Subtotal	433	450	453	456	455	457	464
Housing	0	1	2	4	4	4	4
Total	433	451	455	460	459	461	468
Capacity	459	459	459	459	459	459	459
Shortage /Surplus	26	8	4	-1	0	-2	-9

8.44 The tables indicate that there are no surplus places at either Suffolk One or Northgate, therefore post-16 education contributions will be required in order to mitigate the impacts of the development.

8.45 At present, in the absence of provision for sixth form education needs arising from the appeal development is held in **substantial negative weight** in the overall planning balance.

Special Education Needs

8.46 As set out in the Relevant Statement of Common Ground, the Appellant agrees with the principle of the requirement to make contributions towards the provision of SEND places but doesn't agree with the pupil yield or the need to make a financial contribution. The parties agree that the cost per place to be used in calculating contributions is £96,806, as calculated by National School Delivery Cost Benchmarking (2023) (**OT29**) on the amount of provision that should be funded by the Proposed Development. The pupil yield from the development has not been agreed.

8.47 The County Council calculates the pupil yield is 0.016 pupil per dwellings resulting in a contribution of £1,548.90 per dwelling. For mainstream pupil yields we have chosen to use the

DfE figures, but we have not for SEN/AP pupil yields. The reason for this is that the sample for Suffolk is too small in the DfE data to give meaningful figures for SEN/AP. (For primary the DfE Suffolk figures are based on over 4000 children, for secondary it is over 2000 and for post-16 it is nearly 700 children. The same data for SEN/AP only includes 138 children.)

8.48 It is understood that the Appellant believes that the SEN pupil yields include children with a Education, Health & Care Plan (EHCP). This is not the case. The DfE data (<https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>) shows the numbers of pupils in specialist provision other than mainstream. The County's calculations include the following:

- special schools
- specialist units from the January 2024 school census,
- independent
- out of county special schools,
- bespoke provision
- alternative provision
- those waiting for provision

8.49 This totalled 3,043 children either in or requiring specialist provision. In the January 2024 census there were 100,081 children in mainstream primary, secondary or post-16 schools. Therefore, that the number of children and young people requiring specialist provision equates to 3.04% of the number in mainstream provision ($3,043 / 100,081 = 3.04\%$) This should be rounded down to 3% due to the data not all being from the same date and so there may be small discrepancies.

8.50 In order to calculate the SEND pupil yield, the primary, secondary and post-16 pupil yields are added then multiply by 3%. For example, for 2+ bed houses the calculation would be $(0.319 + 0.153 + 0.055) \times 3\% = 0.527 \times 3\% = 0.016$. The full table of yields are as follows:

	Primary	Secondary	16+	SEN/AP
1b flat	0.027	0.017	0.015	0.002
2+b flat	0.180	0.048	0.017	0.007
1b house	0.133	0.060	0.024	0.007
2+b house	0.319	0.153	0.055	0.016

- 8.51 It is understood that the Appellant argues that SEND units on school sites and independent provision should not be considered, however the number of children in these types of provision still count towards the number of children requiring a specialist education place. Children in SEND units on mainstream schools not funded in the same way that children in mainstream schools and send units on school sites operate like small special schools, however they can benefit the pupils by providing some integration.
- 8.52 The absence of provision to Special Education Needs arising from the development, particularly in an area of acute need is held in **very substantial negative weight** in the overall planning balance.

Summary

- 8.53 The County Council considers the development, as proposed without a s106 agreement securing contributions towards early years, education, highways and transport, library and waste provision, does not comply with Ipswich Core Strategy & Policies DPD policies ISPA4, CS15 and CS17, the Suffolk Coastal Local Plan including Policy SCLP2.2, Policy SCLP3.1, Policy SCLP3.5 and the advice contained in the NPPF. Full weight should be apportioned to the Development Plan Policies listed above and there are no material considerations that would warrant a departure from these policies, rather the material consideration supports the policies being followed. It is therefore requested that this appeal be dismissed on this basis. This objection would fall away if a suitable s106 agreement was entered into.

9 PLANNING BALANCE & CONCLUSIONS

- 9.1 There is a clear basis in both the adopted IBC and ESC Development Plans, which is considered up to date and attributed full weight, National Policy and all other material considerations to support the County Council's requirements in relation to this Appeal, including requirements for appropriate evidence to demonstrate acceptable flood risk and archaeological mitigation, as well as provide for adequate highways mitigation and developer contributions.

Benefits arising from the development

- 9.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3 It remains that an assessment of the benefits of the scheme should be undertaken to show whether a departure from the development plans is warranted and/or to show whether any adverse impacts of granting permission – those outlined in the sections above – would significantly and demonstrably outweigh the benefits. Whilst it is recognised that an overall balancing exercise will need to be undertaken, that considers both benefits and harms arising from the scheme, it is not considered to be the role of the County whose concern is limited to matters for which it has statutory responsibility. I will defer to others to undertake a full planning balance exercise.

Summary of Harms Identified

- 9.4 The benefits of the scheme will need to be weighed against the harms identified. The County invites the Inspector to consider apportioning the following weightings to the identified harms. The harms include the harm arising from a development that has failed to show that it would not amount to a severe cumulative impact on the highway network, has failed to show that it would not pose a threat to highway safety and has not been demonstrated to promote the use of more sustainable modes of transport very **substantial negative weight**.
- 9.5 I apportion **substantial negative weight** to the failure to provide drainage strategy which provides adequate protection from flooding and is safe for the lifetime of the development, and the environmental and social harm this would cause.
- 9.6 Turning to education, the absence of provision for primary education needs arising from the appeal development should be held in **substantial negative weight**. The absence of provision for secondary education needs arising from the appeal development is held in **substantial negative weight** in the overall planning balance. In my view, the absence of provision for sixth form education needs arising from the appeal development should be held in **substantial**

negative weight. I apportion **very substantial negative weight** to the absence of provision to Special Education Needs.

- 9.7 The absence of provision of mitigation to mitigate the development's impact on libraries should be held in **medium negative weight**.