

STATEMENT OF CASE

Land at Humber Doucy Lane,
Ipswich, Suffolk

'Hybrid' Application for up to 660 new
homes and 400 sq. m. non-residential
floorspace.



PHASE 2

Quality Assurance

Site Name	Land at Humber Doucy Lane, Ipswich
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Our Ref	C23109
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Client Name	Hopkins Homes/Barratt David Wilson
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Type of Report	Statement of Case
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Author	Initials	Date
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Kevin Coleman BSc DIP (TP) Dist MRTPI	KC	1 st issue 22/07/24 2 nd issue 21/08/24
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Reviewed	Initials	Date
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Matthew Wood BSc (Hons) MScTP MRTPI	MW	23/08/24
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Appendix 4 – Ecological Impact Assessment updated, dated May 2024.

1. Introduction and Background

Introduction

- 1.1 These Appeals relates to a parcel of land on the north-east side of Ipswich, which falls partly within the administrative area of Ipswich Borough Council (IBC), and partly within the administrative area of East Suffolk Council (ESC). The Location Plan (Drawing ref HDL-PRP-XX-XX-DR-A-08200_P01) shows the boundary line between the two authorities.
- 1.2 The Appeal Site is allocated for residential development in both the adopted Ipswich Core Strategy of 2022, and the Suffolk Coastal Local Plan of 2020 (Suffolk Coastal is now part of ESC). Between them the allocations in the respective plans assume around 600 new homes. The Appeal scheme, which is primarily an Outline application, proposes up to 660 new homes on that allocated land. This Appeal therefore relates essentially to the principle of residential development on land allocated for residential development in two very recently adopted Local Plans, in a context where there is a need for homes to be delivered as soon as practically possible.
- 1.3 Rather than one Local Planning Authority taking the lead in processing the cross-border proposal, both IBC and ESC decided to process their own application, and therefore identical planning applications were submitted to both IBC and ESC on 29th February 2024. Both applications were duly validated on 05/03/24 and were given the references 24/00172/OUTFL and DC/24/0771/OUT respectively.
- 1.4 Both applications were refused by IBC and ESC on the 4th June 2024, the day on which the 13-week statutory application period ended.
- 1.5 Although the IBC Decision Notice has 13 Reasons for Refusal and the ESC Decision Notice 11, the Reasons for Refusal (RfR) across the decision notices are the same. The difference is explained by the fact that RfR #3 and #10 on the IBC decision notice relate to aspects of the proposal that fall only within the IBC administrative area, and not the ESC administrative area. The table below summarises the reasons for refusal from the two decision notices.

RfR Summary	IBC RfR Number	ESC RfR Number
No masterplan submitted in support of the application	1	1
Impacts on highway network not properly assessed	2	2
Position of access onto Humber Doucy Lane	3	N/A
Landscape and Heritage Impact	4	3
Flooding and Drainage Strategy	5	4
Ecology and BNG	6	5
Adequacy of greenspace for HRA mitigation	7	6
Extent of pre-determination archaeological investigation	8	7
Air quality mitigation measures	9	8
Loss of sports pitches	10	N/A
Quantum of housing proposed	11	9
Quantum of open space proposed	12	10
Lack of completed s106	13	11

- 1.6 As there are two separate applications, there are two corresponding Appeals. However, for the sake of simplicity, all references to RfR numbering are to the numbers used on the IBC decision notice, as that is the one that covers all 13 matters.

The Appeal Scheme

- 1.7 The applications were submitted in Outline, with all matters reserved. The proposed quantum of development is defined by the application description as being up to 660 dwellings, up to 400 sq. m. of non-residential floorspace within Use Classes E and/or F2(b), and an Early Years facility.
- 1.8 An illustrative site-wide Framework Plan (Ref HDL-PRP-XX-XX-DR-A-07207_P02), supported by an illustrative site-wide Landscape Strategy (Ref 6675_116_A), show the envisaged development. The Framework Plan is translated into a series of 8 Parameter Plans, which were submitted as formal application plans for approval. Once approved, the Parameter Plans 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.
- 1.9 The reference to 'hybrid' in the description of the development relates to the fact that the Applicants choose to submit full details of the layout of the proposed vehicular, cycle and pedestrian connections between the site and the adjoining area. The locations for these detailed elements can be seen on sheet 1 of the suite of Proposed Access Strategy drawings (Ref 890695-RSK-ZZ-XX-DR-C-0001-P02), and the various locations are then shown in greater focus on the subsequent sheets.
- 1.10 'Access' remains a Reserved Matter only because the submitted plans do not include full details for movement within the site (these are shown only in principle on the Parameter Plans).

Reason for the Appeals

- 1.11 These Appeals arise because of the decisions by IBC and ESC to refuse planning permission for the submitted applications, on the close of the 13-week determination period.
- 1.12 At first glance, the fact that there are 13 Reasons for Refusal might be thought to be indicative of a poorly prepared scheme, or one where there are many points of substantive disagreement between the Applicants and the LPAs.
- 1.13 However, as explained further in this Statement, the applications were submitted after 5 months of generally productive pre-application discussions with the respective LPAs and others. The evidential base supporting the applications is substantive and covers all of the material discussed at pre-application stage.
- 1.14 Notwithstanding the large number of Reasons for Refusal, the areas of substantive disagreement are considered to be relatively few and very specific. Ultimately, this is an application for Outline Planning Permission for residential development of circa 600 homes on land that is allocated for circa 600 homes in recently adopted Development Plans. The principle of the development is not an issue in these Appeals.

The Pre-Application Process

- 1.15 Following an initial inception meeting in July 2023, a programme of pre-application work was discussed and initiated, resulting in a series of meetings held on various matters between September and December 2023. A pre-app Logbook was maintained in order to chart progress and record the main actions, a copy of which is provided at Appendix 1.

- 1.16 The pre-app process included 7 pre-app meetings/workshops, which provided a forum for technical evidence and opinions to be exchanged, and covered topics which included the overall framework plan for the development, options for different access solutions, drainage, sustainable travel modes, landscape, heritage and ecology.
- 1.17 In addition to the main meetings listed, separate pre-application discussions took place between respective disciplines, for example in relation to open space data, air quality, and archaeology, amongst other matters.
- 1.18 During December 2023, the LPAs advised the Applicants' team that it could not resource further pre-application work at that time, and that it wished to 'take a break', but also advised that it wished the pre-application process to investigate the use of 3rd party land in order to facilitate siting the main access to the development at its "preferred" location, opposite Sidegate Lane, and to provide a pedestrian/cycle connection between the two main allocated parcels. This is the main issue of substance raised in the joint pre-application advice letter issued by IBC and ESC on 8th February 2024 (see Appendix 2).
- 1.19 Not only was the LPA's preferred access location dependent on land outside of the site allocation and the Applicants' control, but the Applicants disagreed that the LPAs location was preferable. Accordingly, the Applicants proceeded to submit the applications with the main vehicular access opposite Inverness Road – still on Humber Doucy Lane, but around 400m north-west of the LPAs preferred location.

Environmental Impact Assessment

- 1.20 A Screening Request for EIA was submitted prior to submission of the applications, and a Screening Opinion confirming the development is not EIA development was issued on 23rd May 2024.

2. Site and Surroundings

- 2.1 The Appeal Site lies on the north-east side of Ipswich, approximately 3km in a straight line from Ipswich town centre. It extends to 31.52 hectares in area.
- 2.2 The Appeal Site comprises three separate parcels of land. The referencing used for the three parcels varies slightly in the application documentation, but for the purposes of this Appeal, we will adopt the Parcel A, B and C references used in the Landscape and Visual Impact Assessment by CSA Environmental, submitted as part of the planning application. The location of Parcels A, B and C are shown on the extract from the site Location Plan below.



Figure 1 – Extract from Site Location Plan with parcel references added.

- 2.3 The LVIA describes the parcels at paragraphs 4.2 to 4.4 of that document as follows:

"Parcel A occupies a small parcel of land with generally outgrown vegetation, including a mature oak tree of veteran status. The parcel is bound by Tuddenham Road to the west and Humber Doucy Lane to the east, with the junction of these two roads located to the immediate north of the parcel.

Parcel B is the large central part of the Site and comprises two arable fields, which are separated by a public footpath, two hedgerows and several mature oak trees in the northern part of the parcel. The northern boundary of Parcel B is predominantly defined by mature trees including English Oak, Field Maple and Hawthorn adjoining the railway line, with a vegetation gap in the middle. The north eastern boundary of Parcel B comprises mixed species semi-mature trees with a well-established hedgerow beneath, which separate the Site from the grounds of the adjacent detached properties. A small block of woodland is located in the northeast corner of the parcel. The eastern parcel boundary

is bordered by mixed-species of hedgerow and trees with well managed understory vegetation. The western boundary of Parcel B is mainly composed of hedgerow and post and wire fence, with occasional vegetation gaps next to the Westerfield House as well as along Tuddenham Road. A series of TPO trees, Austrian Pine, are located adjacent to the undergoing construction work to the rear of the Westerfield House along the western boundary. The southern parcel boundary comprises an established native hedgerow along the edge of Humber Doucy Lane.

Parcel C is located in the east of the Site and comprises an area of sports pitch in the west and an arable field in the east. A combination of hedgerow and trees makes up the northern boundary of Parcel C, with two mature English Oaks located along the boundary. The western boundary of Parcel C is undefined on the ground, running roughly from the western edge of rugby club building in the north, in a southerly direction to join Humber Doucy Lane. The eastern boundary of Parcel C is bordered by mixed-species of hedgerow and trees. The southern section of the eastern parcel boundary is generally open with occasional multi-stem ash trees and hedgerow. The southern parcel boundary comprises an established native hedgerow along the edge of Humber Doucy Lane."

- 2.4 As discussed in more detail in the following section, the Appeal Site is allocated for development in the adopted Ipswich and East Suffolk Development Plans. The relevant extracts from the Policies Maps are shown roughly transposed in the image below. The Ipswich allocation is Policy ISPA4.1 and the East Suffolk allocation is SCLP12.24.

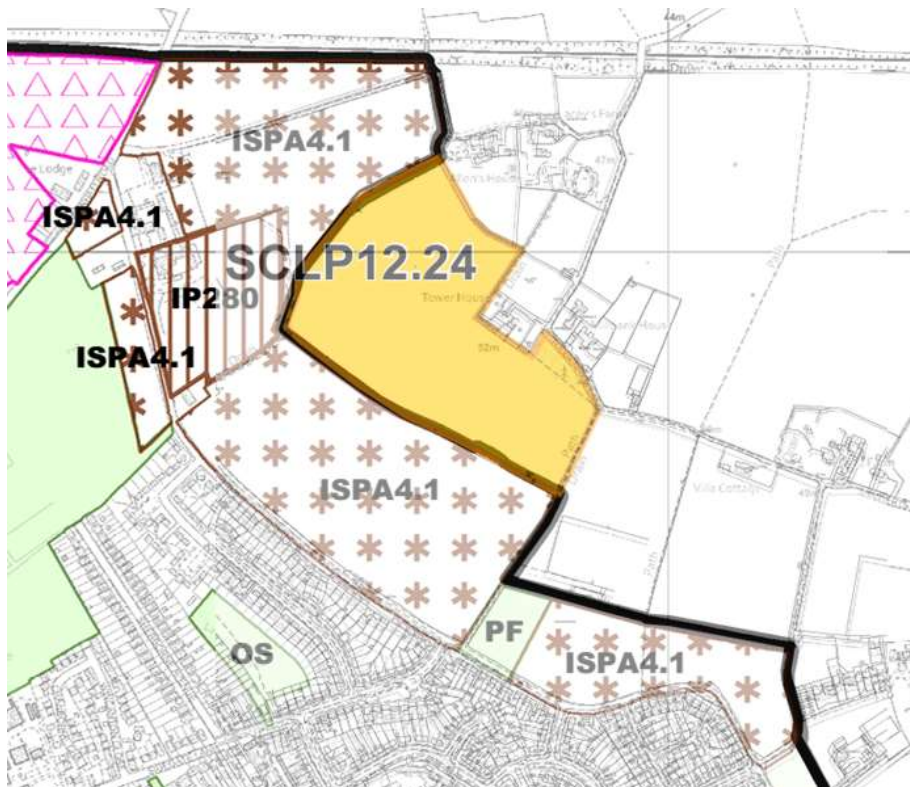


Figure 2 – Amalgamation of the IBC/ESC Policies Maps

- 2.5 A comparison of the above image with the image on the previous page will show that the Appeal Site comprises the entirety of the allocated land, with the exception of a rectangular parcel on the west side of Humber Doucy Lane, opposite Westerfield House, which is in separate ownership.
- 2.6 Parcel A was included within IBC allocation ISPA4.1 on the basis that, at the time of the site being allocated, there was an assumption that changes to the geometry of the junction between Humber Doucy Lane and Tuddenham Road may be required. However, the transportation work undertaken in preparation for the application did not identify any need for such works, and therefore whilst

Parcel A is included within the red line, the scheme does not actually propose any development within Parcel A.

- 2.7 In terms of surroundings, the adjoining urban area contains a range of local facilities, services, and open spaces. The Transport Assessment submitted with the application contains a summary of these at Section 4.3, and includes pedestrian and cycling accessibility diagrams. The extract below is taken from Appendix 4 of the TA. Key facilities shown in close proximity to the site and within easy walking distance are local bus stops, Rushmere St Andrew Primary School, Northgate Secondary School, and the Selkirk Road local shopping parade.

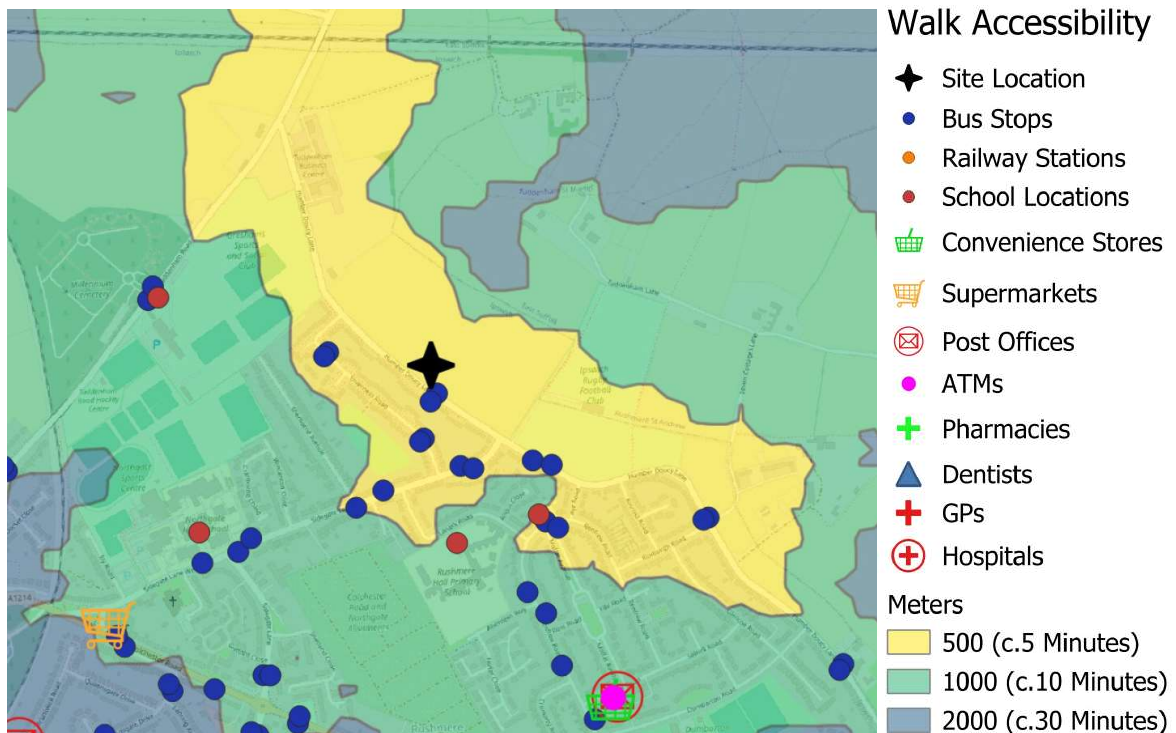


Figure 3 – Extract from TA Appendix 2 (Accessibility Maps)

- 2.8 That the site is a sustainable location for circa 600 residential units will, we assume, be a matter of common ground between the parties. The allocations that underpin the Appeal scheme have been effectively tested not once but twice through Local Plan Examinations, and in each case the suitability of the Appeal Site as a sustainable location for residential development has been accepted by the relevant Inspector.
- 2.9 Public footpaths and 'Quiet Lanes' connect the Appeal Site to the wider Suffolk countryside to the east of the site and to the north of the railway, providing access to a significant resource for informal recreation. Appendix E of the Shadow Habitats Regulation Assessment by CSA Environmental, submitted as part of the application, provides examples of local walking opportunities.
- 2.10 The various application reports (Drainage, Transport, Heritage, Air Quality, Acoustics, Open Space Analysis etc) give additional detailed information about the site and surroundings in relation to that specific topic/discipline, which is not repeated here. The Appellant's evidence will draw and expand upon the factual material contained in these reports in responding to the various reasons for refusal.

3. Planning Policy

- 3.1 This section provides a general overview of the key planning policy considerations that are most pertinent to the consideration of this Outline application. Individual aspects of planning policy (including the specific policies cited against each RfR) will be referred to further in Section 4 of this Statement, as part of the Appellants' response to the various RfR.
- 3.2 S38(6) of the 2004 Planning and Compulsory Purchase Act provides that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.3 This approach is re-iterated at paragraph 2 of the National Planning Policy Framework 2023 (the NPPF). The NPPF explains at paragraph 11 that at the heart of national planning policy is a "presumption in favour of sustainable development", and that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 3.4 The Appellants' case is that the Appeal scheme is entirely in accordance with the recently adopted Plans for both Ipswich and East Suffolk, both in terms of the requirements of the site-specific allocations, and in terms of the Development Management policies of both Plans. The Appeal scheme is also entirely in accordance with the site-specific Neighbourhood Plan policy that forms part of the Rushmere St Andrew Neighbourhood Plan.
- 3.5 The Appellants' case is therefore that the "presumption in favour of sustainable development" applies by reason of Development Plan compliancy.
- 3.6 In terms of the statutory test set out by s38(6), the Appellant's case is that there are no material considerations existing that would justify refusing planning permission notwithstanding compliance with the Development Plan. However, there are material considerations which lend additional substantial weight in favour of the Appeal scheme, and therefore even were the Inspector to identify any conflict with either of the respective Development Plans, these additional material considerations would need to be considered in the overall planning balance.
- 3.7 In the analysis below, we firstly consider the two Local Plan allocations. The relevant policies that accompany the respective allocations are specific and unique to the Appeal site, and so contain the key Development Plan policy requirements against which the Appeal scheme is to be assessed. We then also consider the Appeal scheme in the context of the site-specific policy in the Neighbourhood Plan.
- 3.8 Following analysis of the site-specific policies, we consider the compatibility of the Appeal scheme with the wider Development Management policies of the Ipswich and East Suffolk Plans.
- 3.9 Finally in this section, we turn to consider the Appeal scheme in the context of other "material considerations", specifically current national planning policy, emerging national planning policy, and matters relating to local housing delivery.

The Development Plan – the site-specific allocations

3.10 As noted previously, the Appeal Site is subject to two site allocation policies, one in the Ipswich Core Strategy (ISPA4.1) and one in the East Suffolk Local Plan (SCLP12.24). Between them, these policies allocate the site for residential development of circa 600 homes. The principle of development of the site for circa 600 homes, as proposed in the Appeal scheme, should not therefore be at issue.

3.11 In addition to establishing the principle of development, the two policies also set out a number of requirements for the form of the development, which are summarised below, along with a note explaining how the Appeal Scheme covers each of the specific requirements:

- Both policies state that the land on either side of the administrative boundary should be planned and delivered on a comprehensive basis.

Note: As discussed further in response to RfR #1, this is exactly the approach that the Appellants have taken through the pre-application and application process.

- 60% of the site is proposed for housing and 40% for “secondary” uses (Policy ISPA4.1).

Note: As explained at paragraph 3.13 of the Planning Statement, taking the site as a whole¹, the residential development parcels shown on the Land Use Parameter Plan total 18.86 ha, which is 59.8% of the total site area of 31.52 ha.

- Inclusion of an Early Years facility on-site (ISPA4.1 part f (i), and SCLP12.24 part c).

Note: As per paragraph 3.22 of the Planning Statement, the Local Centre on the Land Use Parameter Plans assumes an area of 0.22 ha for an Early Years facility.

- On-site retail to be considered through master planning work (ISPA4.1 part f viii).

Note: As per the Retail Assessment submitted with the application, this has been considered, and provision made for convenience retail within the local centre.

- Green Infrastructure to be used to maintain separation, protect heritage assets, and create a transition between the new development and more rural landscape of East Suffolk (ISPA4.1 parts b, c, f (iv), SCLP12.24 parts d, f and i).

Note: The Green and Blue Infrastructure Parameter Plan shows how open space is to be provided between the proposed development areas and the boundaries of the site, in order to fulfil these objectives. This is explained more fully in Section 4 of this Statement in

¹ At the outset of pre-application, it was noted that if, as all parties agreed, the site should be master planned comprehensively across the administration boundary, it would not be sensible to apply different policy approaches on one side to the other, and that a pragmatic approach of ‘blending’ policy requirements would be appropriate. This is the substance of the note at point 10 for the pre-app meeting on 15/09/23 (see Appendix 1). For example, whilst the ESC Policy SCLP12.24 requires a 0.1ha site for Early Years, if the more logical place for Early Years is on IBC land, then the scheme would not be held to be contrary to policy. Similarly, the 60/40 split technically applies to the IBC area, but is logically applied to the scheme as a whole.

response to RfR #4 and #11. However, the following text from the IBC Officer's Report is worth noting at this point – paragraphs 1.9-1.12 of that Report summarise the open space proposals as follows:

"The proposals include a substantial green open space located along the countryside edge in the 'Green Trail' area ... The Green Trail route is proposed to run along the north-eastern boundary of the Site and along the existing public footpath in the north of the Site to create a transition to the wider rural countryside ... Green Corridors are proposed which connect the Village Green with the Green Trail route to the north and east, as well as other public open spaces around the periphery of the development site." (our emphasis added)

- TPO'd trees to the boundaries of Westerfield House to be retained (ISPA 4.1 e).

Note: The scheme involves no loss of trees to that boundary.

- Replacement sports facilities "if required" to comply with Policy DM5.

Note: As per the Open Space Assessment submitted with the application, the replacement of the existing part time pitches is not required. This matter is discussed further in the response to RfR #10 in Section 4 of this Statement.

- 30% Affordable Housing (ISPA4.1 part a). 33% in East Suffolk under development management policy SCLP5.10.

Note: The Appellants are proposing a policy compliant level of affordable housing, which could either be drafted in a s106 so that proportions at Reserved Matters stage reflect the different policies, or could provide a blended proportion.

- Vehicular access to be from Humber Doucy Lane (SCLP12.24).

Note: The development is accessed from Humber Doucy Lane. Whilst the scheme also includes a secondary point of access from Tuddenham Road for the northern parcel, no objection to this is raised in any of the 13 RfR.

- 3.12 Other matters covered by both site-specific policies include financial contributions to education, healthcare, and local sustainable travel measures. s106 matters are covered briefly in respect of RfR 13 in Section 4, and sustainable travel measures are also covered in the response to RfR #2 in Section 4.
- 3.13 The site-specific policies also provide requirements for the documentation to be submitted in support of any application. As both applications were validated, it is reasonable to assume that both LPAs were satisfied that the required information was submitted.
- 3.14 On the basis of the above, the Appellants will argue that the proposed development is wholly in accordance with all of the matters required under both the site-specific allocations.

The Development Plan - Neighbourhood Plan Policy

- 3.15 The Rushmere St Andrew Neighbourhood Plan was 'made' on 28th June 2023. This document also includes a site-specific policy for that part of the Appeal Site that falls within East Suffolk, under Policy RSA 2. The key requirements of RSA 2 are:

- The development should make provision for reinforcement of existing planting and additional native tree planting along the north-eastern/eastern boundary of the site.

Note: The specifics of planting species would be a matter for detailed approval at a later stage, but the Illustrative Landscape Strategy submitted alongside the application shows how the substantial open space areas on the eastern side of the site would be capable of providing structural landscaping and new native tree planting, exactly as required under the policy.

- The planting scheme should be designed to maintain separation between the development and adjoining areas, and should be accompanied by a management plan.

Note: The open space 'buffer' alongside the type of planting shown on the Illustrative Landscape Strategy achieves this objective. Management of open space would be a matter for detailed approval at a later stage.

- Access onto Tuddenham Lane and Seven Cottages Lane shall be only for pedestrian and/or cycle access.

Note: This is exactly what is proposed, as per the relevant Parameter Plans and details access drawings.

- 3.16 Similarly, therefore, the Appellants will argue that the scheme as submitted is entirely in accordance with the site-specific Neighbourhood Plan policy RSA 2.

The Development Plan - Other key Policies

- 3.17 Policy DM23 of the Ipswich Development Plan requires all housing development to achieve a minimum density of 35 dwellings per hectare, in order to ensure efficient use of development land. This is characterised as "low density development".

- 3.18 Whilst the Suffolk Coastal Plan does not have a minimum density policy, it would be reasonable to assume that, as the Appeal Site is to be treated as a single comprehensive proposal, and as there is no natural dividing line between one side of the administrative boundary and the other, that a similar "low density" approach of 35 dwellings per hectare would be applicable across the Appeal Site as a whole.

- 3.19 With a requirement for 60% of the site to be developed for housing under Policy ISPA4.1, and a minimum requirement of 35 dwellings per hectare, the minimum number of homes for the site to accord with policy would be 660 homes (18.86 ha multiplied by 35 dwellings per hectare). The Appeal Scheme provides the right number of homes to comply with the adopted site allocation and density policies.

- 3.20 The Key Diagram shown at Diagram 3 on page 35 of the Ipswich development plan sets out a series of 'green corridors' that connect the centre of Ipswich with the countryside surrounding the town, as shown in the extract below. One of those Green Corridors runs along Tuddenham Road, and so adjoins the north-western side of the Appeal Site. The Key Diagram also shows the location of a "Green Trail", which is intended to provide a network of accessible green space around the periphery of the town.

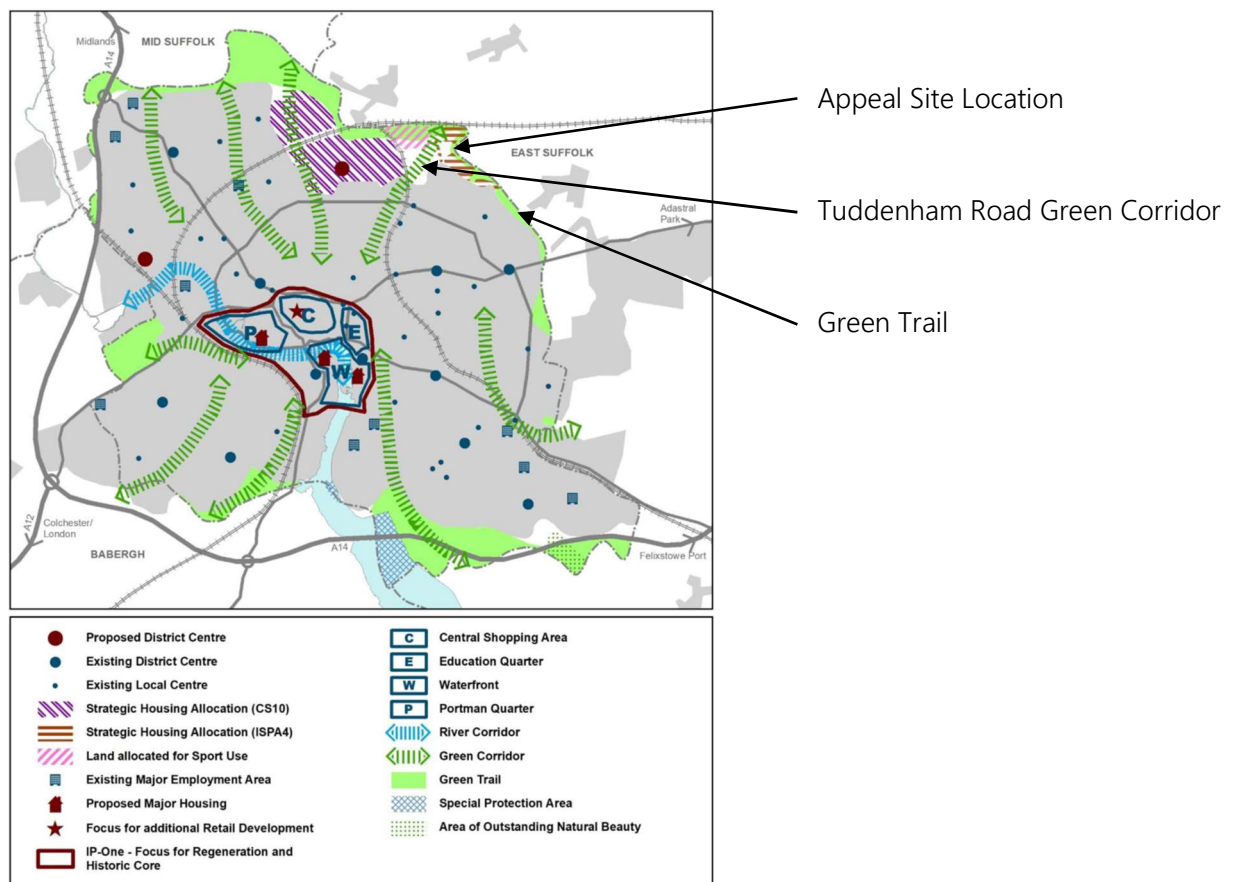


Figure 4 – Key Diagram Extract from 2022 adopted Core Strategy and Polices Development Plan

- 3.21 The relevant policies that relate to Green Corridors and the Green Trail are Policies CS16 and DM10. Alongside other open space and ecology requirements (which are covered in the response to the specific RfR on these matters in Section 4), Policy CS16 notes an intention to "work with partners" to improve green infrastructure and link green corridors with a publicly accessible green trail around Ipswich. Policy DM10 states that development within green corridors will be expected to maintain and where possible enhance the functions of that corridor, and states a wider objective of enhancing public access through the green trail around Ipswich. It states that development at the edge of Ipswich will be required to provide green trail links as part of open space provision.
- 3.22 The proposed development maintains a landscaped frontage to Tuddenham Road, with development set back from the road behind a green 'buffer' presenting opportunities for new tree planting. The development creates new opportunities for pedestrians and cyclists to cross the Appeal Site, and to link into a 'green trail' route running around the peripheral open space network, and the wider countryside beyond.
- 3.23 The Appeal scheme therefore contributes positively to the objectives of Policies CS16 and DM10. None of the reasons for refusal cite Policy DM10, and Policy CS16 is only referenced in the context of RfR 13 on s106 matters (presumably in connection with the need for a 'RAMS' financial contribution), and therefore it is assumed that IBC also agree that the physical form of the development accords with Policies DM10 and CS16.

- 3.24 The East Suffolk Decision Notice references Neighbourhood Plan policy RSA9 in respect of design in support of its RfR 1 (masterplanning), 3 (landscape and heritage), 4 (flood risk) and 10 (open space). Policy RSA 9 sets out a number of largely generic design considerations across 11 criteria, referenced (a) to (k).
- 3.25 Criteria (a) to (c) relate to the protection and enhancement of existing features and vegetation, which it is submitted is achieved by the Appeal scheme through its Green Infrastructure proposals. Criterion (d) relates to highway impacts, which it is submitted is addressed through the matters set out in the Transport Assessment submitted as part of the application. Criterion (e) relates to management of surface water, which it is submitted is addressed through the Flood Risk Assessment submitted with the application. Criteria (f) to (k) relate to detailed design considerations not relevant to the Outline proposals.
- 3.26 The Appellant will also show the proposed development will not impact on any of the 'Important Views' that are identified in the Neighbourhood Plan.

The Development Plan – Summary

- 3.27 Based upon the above, and taking into account also the further analysis of the policies cited in the relevant decision notice in Section 4, it will be contended that the Appeal scheme complies with both the site specific and Development Management policies of the adopted Ipswich Core Strategy And Policies Development Plan Document Review of March 2022.
- 3.28 Similarly, on the basis of the above and taking into account the analysis in Section 4, it will be contended that the Appeal scheme complies with East Suffolk Council's Suffolk Coastal Local Plan of September 2020.
- 3.29 Finally, as explained above, it will be contended that the Appeal scheme accords with the 'made' Rushmere St Andrew Neighbourhood Plan of June 2023.
- 3.30 As the Appeal scheme complies with the Development Plan, the starting point for determination of this Appeal should be that planning permission should be granted (on the basis of s38(6) and the presumption in favour of sustainable development), unless there are material considerations of such weight as to justify a refusal against the provisions of the Development Plan.

Other Material Considerations - National Planning Policy

- 3.31 As set out at paragraph 2 of the NPPF, national policy is a material consideration in planning decisions. Key matters of national planning policy that the Appellants will highlight in evidence include:
- The NPPF's presumption in favour of sustainable development – as noted earlier in this section, the Appellants will argue that the 'presumption ...' applies by reason of Paragraph 11 (c) of the NPPF – approval of development proposals that accord with an up-to-date development plan without delay.
 - Paragraph 38 of the NPPF regarding positive decision making, and the role of LPAs in acting proactively with applicants to enable applications for sustainable development to be approved wherever possible.

- Paragraphs 60, 76, 77 and 79 of the NPPF in respect of the Government's objective to significantly boost housing delivery, and the need to maintain a sufficient supply of land to achieve this.
- Paragraphs 102, 103, and 104 of the NPPF relating to open space, recreation, and access, and the manner in which the Appeal scheme addresses these objectives.
- Paragraphs 108 and 114, relating to integration of sustainable transport modes in scheme design, ensuring that access is safe and suitable, and cost-effective mitigation of highway impacts. Also paragraph 115 as regards the relevant test for assessing the impact of development on the road network, and paragraph 116 as regards transportation design criteria for new development.
- Paragraphs 123, 128 and 129, regarding the effective use of land in meeting the need for new homes, and corresponding advice on density and design of new development with a view to securing "optimal use" of land for new homes.
- Paras 131 and 132 on the need for high quality design, and the importance of clear policies so that applicants have as much certainty as possible about what is likely to be acceptable.
- Para 135 in respect of the general design criteria to be applied to new development.

3.32 The above is not intended as an exhaustive list of national planning policy, but rather those parts of national policy most pertinent to the Appeal scheme and its determination.

3.33 It will be argued that the Appeal scheme accords with the National Planning Policy Framework, with particular regard to the above matters, and that this compliance is a further material consideration of substantial weight in favour of the proposed development.

Other Material Considerations – Changes to National Planning Policy

3.34 On 30th July, the new Government announced proposed amendments to the planning system, with a primary aim being to boost the economy through construction, including by building more homes. The Ministerial Statement from the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government noted in opening that:

"We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home."

3.35 The aim of the proposed reforms, which were highlighted in the run up to the general election as a cornerstone of the new Government's approach to stimulating the economy, is to "turbocharge" growth and build more than 1.5 million homes over the next 5 years.

3.36 The Ministerial Statement announces an overall increase in the national house building target, from around 300,000 homes per annum to 370,000. Alongside the Ministerial Statement the Government published proposed revisions to the standard methodology for housing which would see the annual requirement for Ipswich Borough increase from 466 dwellings per annum to 755 per annum, and East Suffolk's requirement increase from 905 per annum to 1,696 per annum.

- 3.37 A full draft of proposed revisions to the NPPF was published alongside the Ministerial Statement. Key changes include:
- Removal of text from paragraph 61 which currently advises that the housing standard methodology is only a starting point for establishing housing requirements;
 - Amendments to current paragraph 75 to make clear that all authorities should be able to identify a 5-year supply of housing land against the standard methodology as a minimum;
 - The introduction of a 20% buffer where there has been significant under-delivery over the past 3 years;
 - Removal of current paragraph 76 which excuses those authorities with a plan less than 5 years old from the requirement to maintain a 5-year land supply (relevant for both Ipswich and East Suffolk in this instance).
- 3.38 The delivery of housing on the Appeal site would clearly be in accordance with the Government's key objective of building more homes. The fact that the Appeal proposal has optimised the site to deliver 660 homes rather than 600 is clearly also in accordance with the Government's key objective of increasing the overall housing target for the country.
- 3.39 As discussed further below, there is an apparent shortfall in local housing delivery for Ipswich town, and therefore the proposed amendments to remove the current protection for Councils with plans of less than 5 years old is relevant and increases the weight to be attached to housing delivery in this case.
- 3.40 Although the amendments to the text of the NPPF are subject to consultation, as is the revised standard methodology, this is an instance where it is reasonable to attach moderate weight to the additional support that the Government's proposed changes bring to the Appeal scheme because:
- Planning reform to boost housing delivery was a central plank of the new Government's election campaign, and therefore irrespective of the precise revised wording of the NPPF or the precise figures from the new standard methodology, the new Government has been elected on the premise of boosting housing delivery;
 - The proposed changes to planning policy and boosting housing delivery enjoy support across all Governmental departments, including the Treasury, as it forms a fundamental part of the country's economic strategy.
 - The Ministerial Statement is a clear exposition of government policy in relation to this matter, and carries significant weight in terms of the principle of 'turbocharging' housing delivery;
 - The proposed changes to the NPPF are not at an early stage in terms of seeking general views, but are a full draft of the intended text, subject to responses.
- 3.41 Accordingly, it is submitted that the ability of the Appeal scheme to contribute positively to the Government's increased priority to 'turbocharging' housing delivery is a matter that should be attributed moderate weight.

Other Material Considerations – Housing Land Supply

- 3.42 Policy CS7 of the adopted Ipswich Core Strategy sets out an overall housing requirement of 8,280 dwellings between 2018 and 2036, at a rate of approximately 460 homes per annum (i.e. close to the current standard methodology figure of 466 per annum). However, due to expected delays in delivery, Policy CS7 adopts a stepped housing trajectory, with delivery for the first 6 years (2018 to 2024) set at 300 dwellings per annum, and provision for the last 12 years set at 540 per annum.

- 3.43 At the time of the Local Plan Examination, the Local Plan Inspectors came to the conclusion that there was a “realistic prospect” that a 5 Year land supply existed, with the Council suggesting a supply of 5.12 years.
- 3.44 Since adoption, it is known that the delivery of the largest allocation in the town, the Ipswich Garden Suburb, has slipped. The last monitoring report published by the Council was April 2023, and covered the period up to end of March 2022 - by that point, 1,136 homes had been delivered, against the target of 1200, and so a deficit of 64 against the trajectory had already occurred by March 2023.
- 3.45 Given the continuing slippage of the Ipswich Garden Suburb, a lack of completions on other sites, and the impending change under CS7 to 540 dwellings per annum, there is a current and growing lack of housing supply to meet the needs of the town.
- 3.46 Whilst East Suffolk has enjoyed a higher rate of delivery and has generally maintained a 5 year supply for the district, the location of the Appeal scheme means that it is primarily meeting housing need generated by Ipswich, and therefore the potential existence of a sufficient supply for East Suffolk as a whole is of less significance than the shortfall in housing delivery for Ipswich town.
- 3.47 The Appellants will present evidence of recent and projected housing supply for the Ipswich area to demonstrate that, irrespective of any changes to national planning policy or the standard methodology, there is already a need to accelerate housing delivery in the local area in order to maintain land supply and meet local housing need. The ability of the Appeal scheme to deliver housing in the short-medium term, through two experienced local housing providers, is therefore a significant material consideration weighing additionally in favour of the Appeal scheme.
- 3.48 With regard to paragraph 11 of the NPPF, this is an instance where the absence of a 5 year land supply would not render the adopted Plans out-of-date. This is because the “policies which are most important for determining the application” under paragraph 11 are, in this case, the site-specific policies which allocate the land for housing development. A shortage of land for housing would not render these housing allocations out-of-date, nor would it have any effect on the housing strategy for Ipswich, which is limited in any event by land availability. It would simply reinforce the need for those allocations to be delivered at the earliest opportunity, and would increase the weight to be attributed to the Appeal scheme as the mechanism for achieving that.

Conclusion

- 3.49 As noted above, the Appellants’ case is that there is no conflict between the Appeal scheme and the Ipswich Core Strategy and Policies Development Plan, 2022. It is also the Appellants’ case that there is no conflict between the Appeal scheme and Suffolk Coastal Local Plan, 2020, and Rushmere St Andrew Neighbourhood Plan, 2023, which together form the Development Plan for the East Suffolk application.
- 3.50 Indeed, not only is there no conflict with the respective Development Plans, but the Appeal scheme in each case positively contributes to the objectives of both Plans to deliver sufficient housing in the right places, through implementation of the relevant site-specific proposals.
- 3.51 Accordingly, the starting point for determination of both Appeals is that permission should be granted in accordance with s38(6), and paragraph 11(c) of the National Planning Policy Framework.
- 3.52 Further material considerations weighing in favour of the grant of planning permission are:

- (i) The fact that the Appeal scheme accords with existing national policy in terms of objectives such as delivering new homes, optimising use of land, and delivering sustainable development;
- (ii) The fact that the Appeal scheme accords with the new Government's proposed reforms to the planning system to 'turbocharge' housing delivery; and
- (iii) The existence of a shortfall in housing delivery in the Ipswich area against existing housing requirements, irrespective of the proposed increase in housing requirements recently published.

4. The Appellants' Case

- 4.1 This section sets out the Appellants' case in three parts. Firstly, we set out the main benefits of the Appeal scheme, explaining how different aspects of the development will help to deliver relevant policy objectives. Secondly, we provide a response to each of the 13 Reasons for Refusal, with a commentary on the main areas of evidence/policy that the Appellants will be relying on in support of their case. Thirdly, we provide an overall assessment of the 'planning balance', in which we weigh the benefits of the scheme against any identified harm.

The Benefits of the Appeal scheme

- 4.2 The table below lists key benefits of the Appeal scheme and explains the weight that the Appellants will argue should be ascribed to each of these benefits.

Benefit	Weight
Delivery of 400+ market homes	Substantial – in a context where housing supply is struggling to keep pace with need, and where national planning policy is strongly in favour of increased delivery, the ability of the Appeal scheme to make a significant contribution to the local housing market is a substantial benefit of the scheme.
Delivery of 200+ affordable homes	Substantial – the Appellants will draw attention to Policy CS12 of the Ipswich Core Strategy, the supporting text to which explains that affordable housing need equates to circa 50% of the Council's housing requirement, but that due to viability reasons, Policy CS12 requires only 15% provision on major development sites, with the exception of the Appeal Site (30%) and the Ipswich Garden Suburb. In the case of the latter, the plan seeks 31%, but has so far achieved only 5% and 4% on the two neighbourhoods with Outline permission. Therefore 30% provision on the Appeal Site (33% in East Suffolk) means that the Appeal scheme will be the single greatest provider of affordable housing by proportion of any development site in Ipswich, against a need for affordable housing that far exceeds planned provision.
Biodiversity Net Gain	Moderate – irrespective of the fact that the 2021 Environment Act has introduced a requirement for 10% BNG, the delivery of BNG is a benefit of development. The 'starting point' for BNG provision is that it should be on site, but because in the case of the Appeal Site, securing 10% BNG will require an element of on-site and off-site provision, the level of benefit can more reasonably be assessed as "moderate" rather than substantial.

Green Trail Extension	Minor – the delivery of a publicly accessible ‘green trail’ route around the circumference of Ipswich, linking green corridors, is a specific policy objective of the Ipswich Core Strategy. The Appeal Scheme delivers that policy requirement, linking the existing right of way on the north side of the Appeal Site to the rights of way that cross the rugby club land, to the Seven Cottages Quiet Lane. As the Appeal site delivers only a relatively short stretch of the Green Trail, the benefit is weighted as ‘minor’.
On-site Open Space/Recreation	Minor – as explained in the Open Space Assessment that accompanied the planning applications, this part of Ipswich has a surplus in some categories of open space (most notably playing fields), and a deficit in other typologies (most notably play and parks). By concentrating on those typologies deficient in the area, and by meeting/exceeding the policy requirements for those typologies, the Appeal Scheme not only meets the recreational needs of new residents, but also provides a benefit to existing residents. The reason this benefit is listed as ‘minor’ rather than ‘moderate’ is because the Appeal Scheme also results in the loss of the existing practice rugby pitches which lie on part of the Appeal Site, and which is discussed further in response to RfR 10.
Off-site Recreation	Minor – the countryside to the north and west of the Appeal Site contains a network of existing footpaths which provide attractive walking routes for informal recreation. Access for existing residents is already possible via the footpaths that cross the rugby club land, and via the Quiet Lanes of Seven Cottages Lane and Tuddenham Lane. The Appeal scheme increases accessibility for local residents by introducing new routes through the site, in particular a safe and convenient link to the existing right of way that crosses the northern part of the site, and routes through the site that will be easier to use in poor weather than the existing footpaths. The increased access to countryside walking routes that the Appeal scheme will deliver is assessed as a minor benefit, on the basis that it is supplementing and improving existing accessibility, rather than creating wholly new routes of access.
Archaeology	Minor – the Appeal site has not been subject to previous examination, and therefore the undertaking of the proposed archaeological investigations will increase the available knowledge base and understanding of the local area.
Economic Impacts	Moderate – the Appeal scheme will contribute to economic activity through both the construction and

operational stages. The construction stage generates economic activity through direct labour, indirect labour, and the supply of materials. The operational impacts relate to increased spending capacity for local shops and services, and additional local employment opportunities both directly on-site within the non-residential floorspace, and indirectly in terms of services to new homes/residents.

Early Years	Minor – whilst the provision of an on-site Early Years facility is primarily designed to mitigate the impact of additional residents in the local area, the facility also increases choice for existing residents, as well as creating the potential for an element of surplus capacity.
CIL	Minor - East Suffolk operates a CIL charging schedule, and therefore in addition to mitigation of impacts by site-specific s106 obligations, the proposals provide the opportunity for CIL receipts to be applied to local community schemes.

- 4.3 As per the table above, the benefits of the Appeal scheme are, cumulatively (and in some case individually), substantial. The benefits extend across all three overarching objectives for sustainable development as described at paragraph 8 of the NPPF, being social, economic, and environmental objectives.

Response to the Reasons for Refusal

- 4.4 The Reasons for Refusal set out the harm that the Local Planning Authorities allege would arise from the implementation of the Appeal scheme. This section sets out the Appellants response to each of the reasons for refusal, and in each case, we explain the level of weight (if any) that the Appellants will argue should be ascribed to the alleged harm.
- 4.5 As a general observation, many of the Reasons for Refusal are vague, both in terms of exactly what aspect of the Appeal Scheme results in the stated RfR, and what exactly the LPAs consider is needed to redress the concern. The Appellants' case is based on the text of the Decision Notices, but where the substance of the concern is unclear, the Appellants have also sought to understand the meaning of RfRs by reference to the Officer Reports. Clearly if the Appellants' understanding of a RfR changes as a result of the Council's Statement of Case, then the Appellants may wish to supplement their case with relevant evidence accordingly.

RfR #1 - Masterplanning/level of detail

- 4.6 The four paragraphs that make up RfR #1 appear to allege the following two main matters:
- The absence of "a masterplan" (1st sentence and last paragraph), with a contention that this means the proposal is contrary to ISPA4.1 (and SCLP12.24 in the ESC plan).
 - A lack of detail in what has been provided with the application on matters of layout, scale, landscaping and appearance, which it is suggested causes harm by (i) creating a "missed

opportunity” for holistic design (ii) creating a situation whereby “certain policy objectives” cannot be assessed, and (iii) creating an absence of meaningful community engagement.

- 4.7 The first matter raised above is a specific allegation of policy compliance, based on the absence of “a masterplan”. The RfR is misconceived because neither Policy ISPA4.1 nor Policy SCLP12.24 actually require the production of “a masterplan”.
- 4.8 The actual wording of Policy ISPA4.1 is that the development is to be planned and comprehensively delivered “through master planning of the site”, along with the allocated land in East Suffolk, and likewise Policy SCLP12.24 requires the development to come forward “as part of a masterplanned approach”, alongside the allocated land in Ipswich.
- 4.9 Neither policy therefore specifies the need for “a masterplan”. In each case, the requirement for master planning is expressed as an adverb, not a noun i.e. it is a process to be done, not a product to be produced. The policy objective is clearly to ensure that the allocated land in each district is considered as a single site. This is exactly what the Appellants’ team has done through the pre-application and applications stages.
- 4.10 Aside from the rectangle of land opposite Westerfield House² (the exclusion of which was never questioned or raised as an issue during pre-application), it is evident that the Appeal Scheme is a comprehensive proposal for both the ISPA4.1 allocation and the SCLP12.24 allocation together, and so meets the objectives of both policies for the site to be assessed and planned as a whole. All of the technical and environmental information submitted with the application considers the site as a single entity, with no distinction made as to whether any particular parcel falls within East Suffolk or Ipswich.
- 4.11 The Appellants will therefore contend, by reference to the Design and Access Statement submitted as part of the application and to the material discussed at pre-application stage, that a process of master planning has been properly followed. The Appeal Scheme is founded upon an assessment of the site and surroundings, taking into account the technical and environmental information provided by the consultant team (see pages 21-49 of the DAS), from which a site-wide constraints and opportunities analysis is produced (pages 50-52). Consideration is given to views expressed as a result of consultation (Pages 55-57). From this contextual analysis, an overall site-wide Vision is derived, and this in turn is translated into an overall site-wide Framework Plan (Pages 59-70).
- 4.12 That Framework Plan has then been used as the basis for extrapolation of the application Parameter Plans, and the establishment of subsequent strategies for topics such as landscaping, access, design, and recreation.
- 4.13 The use of the term “Framework Plan” instead of “Masterplan” is irrelevant – the proposals for the Appeal site have been derived through a process of “master planning” to arrive at the Framework Plan presented on 70 of the DAS. There is no single definition of a Masterplan, and no requirement for them to contain a set level of detail³. The Framework Plan is a Masterplan, just by a different name, with a level of detail that the Appellants will contend is appropriate for the assessment of the Appeal Scheme. Therefore, even if it were true to say that the policies require the production of “a masterplan”, then this has been complied with anyway through the Framework Plan.

² See paragraph 2.5 of this Statement.

³ The Planning Practice Guidance describes Masterplans as follows (our underlining): “Masterplans set the vision and implementation strategy for a development. They are distinct from local design guides by focusing on site specific proposals such as the scale and layout of development, mix of uses, transport and green infrastructure. Depending on the level of detail, the masterplan may indicate the intended arrangement of buildings, streets and the public realm.”

- 4.14 The second part of RfR #1 is harder to respond to, as the substance of the allegation is very vague. There is no set level of detail for an Outline Planning Application with all matters reserved, but the Appellants contend that the translation of the Framework Plan into the 8 Parameter Plans submitted as part of the application (plus the detailed highway access plans) provides more than sufficient detail for the principle of the development to be assessed.
- 4.15 The RfR specifically cites layout, scale, landscaping and appearance as areas of missing detail, which, it appears to suggest, would have been resolved by a masterplan.
- 4.16 The Appellants will contend that the combination of the Land Use Parameter Plan, the Green and Blue Infrastructure Parameter Plan, and the series of movement Parameter Plans/Access plans, provide ample information on the proposed layout of the scheme, particularly as “layout” remains a Reserved Matter.
- 4.17 The Heights Parameter Plan provides details on the scale of the development, in so far as this is relevant at this stage, given that “scale” is also a Reserved Matter. The inclusion of “scale” as an area where an absence of further information is alleged to be causing harm is contradicted by the consultation response from ESC’s design officer who states, “I support the general approach ... with respect to storey heights”. Although noting that in due course, it will be important to ensure that there is variety in heights, the design officer notes “We will be alert to this consideration at the detailed design stage”. This is a clear acknowledgement that the information submitted with the application on scale is acceptable, and that more detailed consideration can be given at Reserved Matters stage⁴.
- 4.18 In terms of landscaping, again, the Appellants will contend that the level of detail submitted with the application is more than sufficient for an Outline Planning Application where “landscape” is reserved and there is no detailed site layout. Reference will be made to similar outline planning applications which have been accompanied by ‘Illustrative Landscape Strategies’ and where the Local Authorities have agreed that such an approach is appropriate at the outline planning stage.
- 4.19 The Green and Blue Infrastructure Plan sets the framework for the location of open spaces and strategic landscaping, with the intended treatment of these areas explained further in pages 114-119 of the Design and Access Statement. Moreover, the application was also accompanied by a separate site-wide Landscape Strategy. Whilst illustrative, the Landscape Strategy contains clear proposals for the intended layout and use of green infrastructure, and contains proposed planting strategies for both the green infrastructure elements and the development parcels.
- 4.20 In terms of “appearance”, the Appellants will contend that Section 6 of the Design and Access Statement gives an appropriate level of detail on the proposed design approach to different parts of the site, with three distinct character areas, and with special consideration given to the treatment of the ‘green edge’ on the eastern side of the site. Again, “appearance” remains a reserved matter, and the level of detail provided is more than sufficient for the LPAs to assess the principle of the proposed development.
- 4.21 Finally on RfR #1, if the LPAs genuinely considered that the information submitted with the application was insufficient for consideration, then (a) they could have declined to validate the applications until the required information was submitted, and/or (b) they could have served notice under Article 5(2) of the T&CP Development Management Procedure Order stating that it did not consider the application capable of being determined without one or more of the Reserved

⁴ NB no objection on grounds of scale was raised by IBC’s design officer either.

Matters being submitted in detail, and/or (c) they could have just asked for additional information to be provided to assist their determination. The LPAs did none of these.

- 4.22 In terms of the harm arising from the allegations made in RfR #1, the Appellants would wish to respond in more detail in due course, once the LPAs have clarified in their Statement of Case exactly what the “missed opportunity” referred to is, which policies exactly the LPAs were unable to assess based on the information provided, and what exactly the LPAs consider would have been different in terms of public consultation if “a masterplan” had been available for comment (as opposed to the Framework plan, which was made available for comment during pre-application consultation).
- 4.23 In the absence of any specific harm, even were it the case that the relevant policies had required a Masterplan that had failed to be produced, no weight should be attached to this RfR.

RfR #2 – Adequacy of the Transport Assessment/walking and cycling connectivity.

- 4.24 The consultation response from the Highways Authority, upon which RfR #2 is based, was received on the evening of Friday 24th May, on the same day that the LPAs informed the Applicants that they would not accept any additional information/changes to the submitted scheme. There was therefore no scope for the Applicants to respond or provide the information sought.
- 4.25 Although sections of the consultation response have been extracted and used as the basis for RfR #2, the Inspector will note that there is, in fact, no objection in principle raised by the Highway Authority. The response is simply a Holding Objection, pending receipt of further information that the Applicant was, unfortunately, given no opportunity to provide.
- 4.26 RfR #2 comprises of 6 paragraphs, but the first is just a statement to the effect that transport matters are important in large applications, and the last is just a summary of the preceding paragraphs. The specific matters alleged within RfR #2 therefore appear to be as follows:
- Queries regarding trip generation assumptions (2nd paragraph)
 - Queries regarding impact on the strategic road network (2nd paragraph)
 - Queries regarding impact on Westerfield station (2nd paragraph)
 - Alleged inadequate pedestrian/cycle connectivity between parcels (specifically between parcels B and C) (3rd paragraph)
 - Alleged inadequate off-site walking and cycling strategy (4th paragraph)
 - Alleged need for additional Travel Plan measures (5th paragraph).
- 4.27 In relation to the first of the matters listed above, the Appellants will show, by reference to correspondence with the Highway Authority, that matters in respect of trip generation were discussed and agreed with SCC Highways at pre-application stage. In respect of trip distribution, SCC’s preferred modelling tool is the Suffolk County Transport Model. However, as that model is based on pre-COVID data, SCC Highways advised that it would need updating (at the Applicants’ expense) before it could be used, and that the updating of the model would take some time as it is managed by external consultants. The Applicants have paid for that updating, and the final outcome of the SCTM analysis is awaited – but the use of the SCTM is not a requirement for planning applications, as SCC Highways have confirmed, and therefore its use in this instance is to act as a ‘sense check’ for the assumptions made in the TA. Nowhere in the SCC Highways response is it stated that Highways have contradictory information to the assessments made in the TA. Rather, the response is effectively just seeking reassurance from the SCTM in terms of verifying the assessment made in the TA.
- 4.28 With regard to the strategic highway network, the consultation response provided by National Highways was not received by the Applicants’ team until 31st May, and so clearly the Applicants

were given no time to respond before the application was refused. It will be noted that this consultation response supports the trip generation and distribution modelling used in the application TA. It will also be noted that this response is again a holding objection, and is simply requesting additional information, rather than setting out any objection in principle. The Appellant will seek to engage with National Highways to enable the queries raised to be addressed.

- 4.29 In terms of impact on Westerfield Station, the Appellants will note that, in respect of the current Red House Park Outline application for over 1000 homes directly adjacent to the station, the same comments regarding the need for assessment were raised by Network Rail as for the Appeal scheme, but that Network Rail subsequently withdrew that objection without any traffic assessment being undertaken, on the basis of securing a relatively small s106 financial contribution. The Appellant's will use that example and the information provided within the TA to explain why no further assessment of impacts at Westerfield station is required.
- 4.30 The fourth issue relates to the on-site proposals for walking and cycling. In its response, SCC Highways raise a number of relatively minor matters relating to treatment of public footpaths and the linkages shown on the pedestrian and cycle Parameter Plans. The Appellants will explain how the linkages within the site comply with advice in chapter 3 of SCC's Streets Guide 2022 Edition⁵.
- 4.31 In terms of the specific allegation regarding connectivity for pedestrians and cyclists between Parcels B and C, the Appellants will argue that the linkage as proposed between the two parcels via Humber Doucy Lane is perfectly satisfactory, in terms of convenience and safety. The route evidently preferred by the LPAs requires a connection across 3rd party land outside of the application site and outside of the site allocation, and so is not deliverable. If, at any point in the future, the 3rd party land were to become available, then the LPAs preferred route is not prejudiced by the Appeal scheme.
- 4.32 In terms of off-site connectivity for pedestrian and cyclists, Sections 4.1 to 4.4 of the Transport Assessment provide an assessment and an audit of current conditions for walking and cycling to nearby facilities. It does not identify any absolute impediment to the ability of residents of the proposed development in terms of accessing local facilities by foot or cycle.
- 4.33 As part of pre-applications discussions, a request was made to SCC Highways to share its aspirations for walking and cycling enhancement in the local area, in terms of proposals to be put forward as part of its Local Cycling and Walking Infrastructure Plan (LCWIP), but it is understood that this has not yet advanced sufficiently for publication.
- 4.34 The Appellants are happy for its consultants, RSK, and SCC Highways, to discuss further whether or not there are any specific matters arising from the audit which it is necessary for the proposed development to remedy, so that, provided that such measures are not also part of the LCWIP, a suitable contribution may be made as part of any s106 agreement. But the Appellants' case at this stage is that, with the proposed connections between the development and the surrounding area set out in the detailed access plans provided as part of the application, appropriate infrastructure to support walking and cycling is available.
- 4.35 Finally, in respect of Travel Planning, it is unclear as to why this has been included as part of the RfR, when the consultation response from SCC Highways makes clear that the contents of the Travel

⁵ The Appellants are not averse to making further minor changes to the internal layout in line with some of the suggestions made and will look to agree suitable revisions to the respective Parameter Plans through a Statement of Common Ground. Clearly it will be up to the Inspector to consider whether such minor amendments to the internal pedestrian/cycle network are admissible, but the changes suggested are not considered to be fundamental by the Appellant to the acceptability or otherwise of the Appeal Scheme.

Plan are not part of their holding objection, and that they are satisfied the matter can be covered by Condition. The Appellants will argue that the submitted draft Travel Plan represents a firm foundation from which Travel Plan measures that can be agreed in due course, but that this is not a matter that requires resolution in advance of the grant of Outline Planning Permission.

- 4.36 The Appellants will therefore contend that the transportation proposals for the site are fully in accordance with NPPF policy for ensuring no severe impact on the highway network and achieving appropriate access for non-car modes, and that similarly no conflict arises with Policy ISPA4.1 or DM21 in terms of highway impact and sustainable travel.
- 4.37 Notwithstanding the Appellants' case that off-site walking and cycling infrastructure is already sufficient to serve the development, should agreement be reached with SCC Highways as to the appropriateness of any off-site improvements, these would represent an additional benefit to the scheme, over and above the benefits previously cited.
- 4.38 As the relevant test for acceptability of traffic impacts under the NPPF is the need to avoid a "severe" impact, the impact of the development could entail some additional delays on the highway network at certain locations, depending on the highway mitigation package agreed with SCC Highways. Given that government policy is that such delays are acceptable, the weight to be attached to any such harm would be minor, and would not be a reason for planning permission to be refused.

RfR #3 – Means of Access/Humber Doucy Lane

- 4.39 RfR #3 appears to contain three elements, being firstly the acceptability or otherwise of the proposed main vehicular access from Humber Doucy Lane (the signalised junction opposite Inverness Road) in terms of its technical performance; secondly the acceptability or otherwise of its location in terms of visual impact; and thirdly a concern is raised in terms of "maximising sustainable connections to the town".
- 4.40 In relation to the technical operation of the proposed main access, the Appellants will note that the Highway Authority's consultation response raises no objection in principle to the proposed junction, and that the holding objection is made simply on the basis of the four technical points raised, couple with a discussion around the need or otherwise for any mitigation in Inverness Road.
- 4.41 The lack of time between receipt of the Highway Authority comments and the issue of the decision notice meant there was no opportunity for the matters to be resolved during the application process. Nevertheless, the Appellants' engineers were already in discussion with the Highway Authority at that time, and have met the Highway Authority since the decision. The Appellants consider that the limited matters raised can be addressed with minor changes to the technical design. The Inspector will accordingly be invited to determine the Appeal on the basis of the revised designs, but if that invitation is declined, then this matter of detail can simply be conditioned for future approval (whether by a specific condition of through Reserved Matters). Either way, the Appellants will argue that there is no technical impediment to the proposed junction location, and the relevant responses to the Highway Authority's comments will be submitted in evidence of that.
- 4.42 Turning to visual impact, the Appellants will note that, throughout pre-application discussions, the LPAs have drawn repeated attention to the desirability of retaining the hedge line to Humber Doucy Lane, and the significance of this feature to the character of the road. A number of access options were considered through pre-application, but for the volume of traffic, there are essentially only two solutions – a signalised junction, or a ghost island junction. A ghost island junction would have far greater impact on hedgerow retention because it requires larger visibility splays and taper lengths, and because a single ghost island junction would not be sufficient. Therefore, the Appellants will argue that, in terms of minimising the loss of the Humber Doucy Lane hedgerow, a signalised junction is by far the best option.

- 4.43 The Appellants will explain that, as per material provided to the LPAs at pre-application stage, there are a number of constraints that limit where a signalised junction can be provided, including the existence of dropped kerbs providing access to existing parking, the location of mature oak trees, and third-party land. Ultimately, the only location on Humber Doucy Lane where a signalised junction can be delivered that does not infringe on such constraints is opposite Inverness Road. Therefore, in order to comply with the policy requirement for access to be from Humber Doucy Lane, the access has to be provided in the location shown.
- 4.44 The stated preference of the LPAs is to have the main vehicular access opposite Sidegate Lane. However, an access at that location is (a) dependent on 3rd party land for road widening and (b) would be incompatible with the existing access to the rugby club, at that existing access would be directly opposite the new dedicated turning lane required, and so the LPAs' preferred location is not deliverable. Ultimately, if the delivery of Policy ISPA4.1/SCLP12.24 is dependent upon additional land outside of the allocated site or highway boundary, then that additional land should have either been allocated or specified in the policy, or the allocation should not have been made. The Appellants will argue that an insistence on access being delivered via third party land is not a credible position for the LPAs to adopt, even without taking into account the fact that the third party in question is an objector to the Appeal Scheme.
- 4.45 In any event, the Appellants will provide evidence to contest the premise that the location of the signalised junction opposite Inverness Road has any material difference in terms of visual impact compared to the LPAs preferred location. The design of the junction would be the same in either case, and even if it were possible to switch the positions of the primary access and the bus access, the latter would still be located opposite Inverness Road. The Appellants will note, for example, that the single storey properties referred to exist along the entirety of the opposite side of Humber Doucy Lane as far as Sidegate Lane, so any signalised junction at Sidegate Lane will still be opposite single storey properties. The Appellants will note that the northern end of Humber Doucy Lane, which is characterised by the LPAs as being more rural, will in any event be changing as a result of development of the extant care village consent at Westerfield House, as a result of any development in the future on the part of the ISPA 4.1 allocation opposite Westerfield House⁶, and by reason of any future development at the Tuddenham Road business centre.
- 4.46 The Appellants will therefore dispute the supposition inherent in RfR #3, that the character of Humber Doucy Lane changes so significantly in the 400m between the proposed access location opposite Inverness Road and the LPAs preferred location opposite Sidegate Lane, such as to justify a reason for refusal on grounds of relative visual impact (even were an access at Sidegate Lane deliverable).
- 4.47 Turning finally to the third element of RfR #3 as regards sustainable travel, the Appeal Scheme proposals for access at Sidegate Lane includes provision for bus access, walking and cycling. Switching the positions of the main signalised junction and the secondary bus access would make absolutely no difference whatsoever to the ability to access and leave the Appeal Site by sustainable travel modes.
- 4.48 As previously noted at paragraph 1.18 of this Statement, the Appellants are well aware that IBC and ESC's "preferred" location for the main vehicular access is opposite Sidegate Lane, as this is the view that it gave in its pre-application advice. The Highway Authority have also expressed a "preference" for the main access to be opposite Sidegate Lane. The Appellants will note that the duty of a planning authority at application stage is to determine the application that is before them, not to consider whether or not there is some alternative scheme that they might prefer. Refusing

⁶ At the time of submission of the Appeal, an application for 13 new homes has been submitted and is currently under consideration (reference 24/00510/FUL)

planning permission on the basis of a preference for an alternative is not a sound basis for decision making.

- 4.49 In respect of the policies cited in support of RfR #3, the Appellants will argue that there is no conflict with NPPF paragraph 114 on the basis that the Appeal Scheme provides appropriate opportunities for sustainable travel, and provides access solutions that are safe and suitable for all users. It will be argued that the reference to paragraph 115 (severe impacts on the road network) is not relevant to the location and design of the access (and no such effects arise in any case).
- 4.50 In terms of the development plan policies cited, the Appellants will obviously contend on the basis of the above that there is no conflict with Policy DM12 (design and character), DM18 on amenity, or DM21 (transport and accessibility). The Appellants are unclear as to what aspect of Policy ISPA4.1 is said to be infringed, but since Policy SCLP12.24 specifically requires access from Humber Doucy Lane, and since the proposed development delivers exactly that in the only feasible location where it can be achieved without wholesale removal of hedgerows, it is hard to understand how any conflict with the site-specific policy requirements can arise.
- 4.51 Accessing the development from Humber Doucy Lane will inevitably have some impact on the existing character of that road, and will have an impact on the existing hedgerow (though the proposed access design seeks to minimise the loss of hedgerow through the signalisation). Given that it is a specific policy requirement that the Appeal scheme is accessed via Humber Doucy Lane, the weight to be attached to any harm to the character of the road and impact on the hedgerow can only be minor.

RfR #4 – Landscape and Heritage Impact

- 4.52 RfR #4 covers three issues, which are an allegation that the transition space to the north-east boundary is “too narrow in some areas”, that the transition space is devalued because it is designed to accommodate “a number of different uses”, and that more space and planting is required to protect heritage assets along the northern boundary.⁷
- 4.53 The Appellant will provide a brief description of the Appeal Site and the character of the neighbouring countryside. The key views of the Site will also be considered.
- 4.54 The Green and Blue Infrastructure Parameter Plan and the accompany illustrative Landscape Strategy demonstrates how a continuous open space has been provided along the north-eastern edge of the Site, to address the policy requirements for a ‘transition’ area and to accommodate the policy requirement for the development of the site to contribute to a ‘green trail’ around the edge. The extent of this open space buffer is described at paragraph 1.9 of the IBC Officer Report as “substantial”.
- 4.55 Although RfR #4 contains the assertion that this transition zone is “too narrow in some areas”, it is clearly the case that for the most part, IBC/ESC are satisfied that the Green and Blue Infrastructure Plan is providing a sufficient landscaped zone, both through the recognition that the open space on the countryside edge of the site is substantial, and because RfR #4 only raises a concern about “some areas”.
- 4.56 RfR #4 does not provide any clarity as to exactly which parts of the transition zone are considered to be too narrow, nor does it explain what harm arises from the width of the open space shown on the Green and Blue Infrastructure Parameter Plan (other than in respect of heritage assets, which is dealt with below). Other than heritage impacts, what harm arises from the width of the buffer? It

⁷ It is assumed this should be north-eastern boundary, as the northern boundary is the railway line.

is not clear. Certainly, there is no prescribed width for the transition zone in policy that would provide an objective measure against which the proposals can be judged. All the Appellants are presented with is an opinion on the width, with no evidential basis, and with no clarity as to the alleged harm.

- 4.57 The issue of width *per se* is therefore a difficult point for the Appellants to respond to. The Appellants will note that the north-eastern open space ranges in width from 18m at its narrowest, to 62m at its widest. The Appellants will argue that the material submitted with the application (including the Illustrative Landscape Strategy and relevant cross sections) demonstrates how sufficient new structural landscaping can be incorporated to supplement the existing framework of the trees and woodlands that already exist along the north-eastern boundary of the Appeal Site, to provide adequate enclosure to the development from the east and assist in providing the required transition to the wider countryside. The evidence will also show that the buffer zone is of sufficient depth to allow for the planting of native broadleaf trees.
- 4.58 Finally, following the principle that it is appropriate for 60% of the site to be allocated for housing and 40% for secondary uses including green infrastructure, any widening of the north-eastern boundary would be at the expense of reducing green infrastructure elsewhere, as on a site-wide basis, the Appeal Scheme is barely achieving 60% residential.
- 4.59 Turning to the second matter, the concern that activity in the north-eastern open space will undermine its role in providing a transition between town and country is very hard to understand. Firstly, a substantial part of the transition area adjoins the flood lit rugby club playing pitches, which will of themselves generate activity. Within the site itself, the primary uses of the north-eastern buffer area, as per the Green and Blue Infrastructure Plan, are (i) drainage, which generates no activity or noise (ii) the 'green trail' recreational route, which is a policy requirement⁸ and (iii) a single equipped play area (which the Landscape Strategy notes would be designed with an informal character, with natural play equipment).
- 4.60 The location of the latter is indicative anyway, but if the inclusion of a play area within the north-eastern open space were really an issue of such significance as to justify refusing planning permission, then the Appellants would simply look to relocate it.
- 4.61 Turning then lastly to heritage assets, this is an area where the advice that the LPAs have received on impact matches exactly the views of the Appellants heritage advisor, as both parties agree that the impact of the proposed development on heritage assets is at the lower end of less than substantial harm.
- 4.62 As explained in the Place Services consultation response on heritage matters, the reason for this harm arises only in relation to impact on the setting of Lacey's Farmhouse and Allens House, and because the Appeal Scheme results in "... *a reduced ability to appreciate the relationship between the historic farmsteads and their historic and integral association with the surrounding farmed landscape.*"
- 4.63 The Appellants will argue that this impact is 'inbuilt' into the allocation of the land for residential development⁹. Any development of any significance on the Appeal Site will result in some impact on the setting of these two Listed Buildings, as the significance of their setting is that of an agricultural landscape. Increasing the size of the north-eastern buffer will not change the fact that

⁸ See the explanation of Green Corridor/green trail policies DM10 and CS16 at paras 3.20-3.23 of this Statement.

⁹ The Heritage Impact Assessment produced for IBC for the Local Plan Examination came to the same conclusion.

any substantive development on the allocated site will have an impact of, at best, the lower end of less than substantial harm.

- 4.64 The Appellants will argue that the Appeal Scheme provides a sufficient separation to adjoining Listed Buildings to ensure that the harm can be categorised as being at the lower end of less than substantial harm, and that implicit in the allocation of the Appeal Site for circa 600 homes is an acceptance by the LPAs that the public benefits of the development outweigh that level of heritage harm, in accordance with NPPF paragraph 208, IBC Policy DM13, and ESC Policy SCLP11.3.
- 4.65 Paragraph 205 of the NPPF notes that “great weight” should be given to the conservation of heritage assets, irrespective of the level of harm. The relevant consultation response from East Suffolk’s Design and Heritage Officer is that the impact of the Appeal scheme on the setting of the two nearby Listed Buildings referred to will be an impact at the low end of less than substantial. As noted above, this level of harm is implicit in the site allocation. Therefore, whilst the harm to heritage assets is a matter of great weight, and whilst there is a statutory duty on the decision maker to have special regard to the desirability of preserving the setting of Listed Buildings, it is the case of the Appellants that it is not conceivably possible to materially reduce the level of harm and still deliver the benefits of the site allocations. In accordance with paragraph 208 of the NPPF, this is a case where the benefits of the scheme outweigh the harm.
- 4.66 Finally, in respect of landscape impacts, the opening sentence of RfR 4, which refers to the fact that the scheme involves development of undeveloped land which expands the urban edge of Ipswich into East Suffolk, is correct, and does create an element of landscape harm by doing so. But that harm will arise from almost any implementation of the site-specific policies whereby 60% of the site area is to be developed for residential uses at 35 dwellings per hectare, and therefore is a matter that should attract no or at most negligible weight in the assessment of the Appeal scheme.

RfR #5 – Flooding and Drainage Strategy

- 4.67 The main issues that appear to be being raised in the three paragraphs of text provided for this RfR relate to:
- An alleged failure to take into account a network of watercourses around the site; and
 - An alleged over reliance on deep infiltration.
- 4.68 This RfR appears to be based on the holding objection submitted by the Lead Local Flood Authority dated 30/04/24. The contents of this objection came as a surprise to the Applicants as the LLFA had been present at several pre-application meetings where the principles of the drainage strategy had been discussed, and had raised no objection.
- 4.69 Unfortunately, the RfR does not appear to have taken into account the response dated 08/05/24 prepared by the Applicants’ engineers, RSK, which was submitted to the LPAs and the LLFA on 22/05/24 (copy provided as Appendix 3).
- 4.70 In that response, RSK explained (a) that there are no watercourses adjoining the site (only disconnected ditches) and (b) that the submitted FRA does follow the discharge hierarchy as set out in the Suffolk SuDS Design Guide, and having concluded that none of the preferred methods of discharge are feasible (including discharge to a watercourse, because there aren’t any), it explains why deep infiltration is the most appropriate. The substance of the RfR is therefore simply not supported by the site-specific facts.
- 4.71 The third paragraph of the RfR refers generally to the FRA being “deficient in a number of aspects” without being clear as to what the alleged deficiencies are. It is assumed that this is a reference to

the matters raised in points 4-9 of the LLFA's holding objection, all of which were addressed in RSK's response.

- 4.72 Accordingly, the Appellants will argue that there is no conflict with NPPF paragraphs 173 and 175, and no conflict with IBC Policy DM4 or ESC Policy SCLP9.6, nor NP Policy RSA 9(e).
- 4.73 The Appellants would wish to reserve the right to comment and provide further evidence on this matter in the event that the alleged deficiencies extend to matters not covered in the LLFAs response, or in response to further matters raised by the LLFA.
- 4.74 On the basis of the above, no harm arises from the Appeal scheme in terms of adverse impacts on flood risk or the water environment, and therefore no weight to be given to the alleged harm.

RfR #6 – Ecology and Biodiversity Net Gain

- 4.75 RfR #6 is split into two elements, with the first part raising concerns regarding the level of information provided with the application in respect of on-site ecology, and the second part relating to concerns regarding the delivery of BNG.
- 4.76 With regard to the first matter, whilst it is true that not all of the planned ecological surveys had been completed by the time of the submission of the Outline Planning Application, the Appellants will contend that sufficient information was available for a proper assessment of ecological impacts. Moreover, further survey work had already been completed by the time of the decision, and was on the point of being provided when the applications were refused. The further survey work is contained in a May 2024 EclA update prepared by CSA Environmental, a copy of which is provided at Appendix 4. The conclusions from the original EclA remain unchanged.
- 4.77 The final surveys are being undertaken, and a further update provided, but there is no expectation that these will materially change the EclA findings or materially impact on the mitigation proposed in the original EclA.
- 4.78 The Appellants will therefore contend that sufficient ecological survey information was available, and certainly now is available, for a proper assessment of ecological impacts to be made.
- 4.79 Turning to BNG, the application was supported by the required baseline BNG assessment. As recognised by Suffolk Wildlife Trust in its response to the application, the outcome of the BNG Assessment submitted with the application is that it is unlikely that habitat units can deliver the minimum level of net gain onsite, and that offsetting is likely to be required. The BNG Assessment duly concludes that 10% net gain will be delivered via a combination of on-site measures and off-site measures.
- 4.80 The calculation of the number of units that may be delivered on-site is based on the assumptions set out in the BNG Assessment, and is a prediction of what can be achieved. Clearly if, following detailed design, the on-site BNG were less than 0.55% net gain, then a larger element of off-site contribution would be required, and if through detailed design a net gain of more than 0.55% could be secured, then a smaller level of off-setting would be required. The Appellants will contend that the calculation of +0.55% is realistic, but that in any event, this is not a matter that affects the principle of development, nor does it affect the ability of the scheme to deliver 10% BNG. The principle of off-site provision where on-site is not feasible is acceptable, and the exact split between on-site and off-site will be determined through the final Biodiversity Gain Plan, secured through the consent process.

- 4.81 On the basis of the above, the evidence provided with the application, and the supplemental surveys, the Appellants will contend that there is no conflict with the NPPF, or IBC Policy DM8 and ESC Policy SCLP10.1.
- 4.82 It is therefore considered that no harm arises to on-site ecology, as all impacts can be appropriately mitigated, and therefore no weight should be attached to any such alleged harm. Regardless of the comments made in this RfR regarding the extent of net gain to be provided on site, the scheme will deliver 10% enhancement, which is an overall benefit.

RfR #7 – Habitats Regulation Assessment

- 4.83 As noted in the RfR, the application was supported by a ‘shadow’ Habitats Regulation Assessment, which identified a package of measures that would appropriately mitigate the risk of increased recreational pressure on sites in the local area that are protected under the Conservation of Habitats and Species Regulations 2017. That package of measures included an off-site financial contribution to the RAMS scheme (Recreational Avoidance and Management Strategy) operated by the relevant authorities, the provision of connections to local countryside walking routes, and the provision of on-site recreational open space amounting to 11.5 ha, alongside measures such as dedicated dog ‘off lead’ areas and promotion.
- 4.84 The Appellants will explain how these measures accord with advice provided by Natural England on recreational avoidance, and will refer to the consultation response on the application provided by Natural England which raises no objection to the proposed development, subject to the mitigation measures in the shadow HRA being secured. It will also be noted that Natural England’s requirement for on-site open space is 10 ha, compared to the 11.5 ha referred to in the HRA.
- 4.85 The Appellants will explain why the inclusion of areas of biodiversity value and/or drainage features within open space should not preclude its use nor reduce its value for informal recreational uses such as dog walking, and that therefore the concerns raised in the 3rd paragraph of this RfR are misplaced.
- 4.86 The Appellants will invite the Inspector, as competent authority under the Habitats Regulations, to follow the advice of Natural England and to find that the Appeal Scheme would not adversely effect the protected sites referred to, with the proposed mitigation secured.
- 4.87 Accordingly, no harm arises as a result of the Appeal scheme, and no weight should be attributed to this reason for refusal.

RfR #8 – Archaeology

- 4.88 There is no disagreement between the Appellants and the LPAs that archaeological investigation is needed. The only disagreement relates to the timing of that investigation, and whether any or all of the investigation needs to be prior to determination.
- 4.89 Both policies ISPA4.1 and SCLP12.24 refer to the need for an archaeological assessment to be undertaken, but neither the policies themselves, nor their supporting text, suggest that the allocations are being made on the premise that archaeological remains may impact fundamentally on whether or not development should proceed.
- 4.90 Paragraph 8.28 of the supporting text to Policy ISPA4.1 states:

“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.”

- 4.91 The application was accompanied by a desk-based assessment, and the results of a geo-physical survey. The archaeological report submitted with the application concluded:

"Based on the results of the geophysical survey and the available archaeological data for the site and surrounding area, the potential for Late Prehistoric and/or Roman activity within the study site is considered to be high. The potential for any other significant (i.e. non-agricultural remains) within the site is assessed to be low/negligible.

There is no suggestion that the site contains remains of archaeological interest that would be a constraint to development."

- 4.92 The report concludes that the next stage of investigation should be trial trenching. But on the basis of the desktop and geo-physical findings, there is no reason why trial trenching should not be conditioned to occur prior to *commencement*, but not prior to determination.
- 4.93 Clearly if the results of that trial trenching were the unlikely uncovering of archaeology of national importance, then this is an eventuality that can be covered as part of any approved Written Scheme of Investigation, with appropriate steps set out to provide time for investigation and, if appropriate, for scheme review in the even more unlikely event that preservation *in situ* is justified. The unlikely discovery of remains of national significance is a risk to any development, but there is no general requirement in planning policy for all schemes to be fully trenched prior to planning permission being granted, on the off chance that nationally significant remains may lie below ground.
- 4.94 The RfR alleges that the absence of trial trenching at this stage renders the proposal contrary to NPPF paragraphs 200 and 201, and Policies DM14¹⁰ in the IBC decision and SCLP11.17 in addition to the site-specific policies covered above. However, both the NPPF and Policy DM14 refer only to field evaluation evidence at application stage being required where "necessary", whilst SCLP11.17 refers to a level of assessment "proportionate to the potential and significance of remains".
- 4.95 In this case, the combination of desk-based and geophysical assessment does not provide evidence that field evaluation is necessary prior to determination. Therefore, there is no conflict with the NPPF or the other policies cited.
- 4.96 In summary, the Appellants have seen no evidence to suggest that trial trenching is a necessary pre-consent requirement, or that a lack of further investigation at this stage is reasonable grounds for refusal. The Appellants are however happy for pre-commencement investigations to be secured by condition.
- 4.97 Ultimately, the conducting of a thorough archaeological investigation of the Appeal site will increase knowledge of local archaeology, and will represent a minor benefit of the Appeal scheme.

RfR #9 – Air Quality

- 4.98 This RfR essentially comes down to the LPAs seeking a financial contribution towards air quality measures, which the Appellants will contend, based on the submitted evidence, is not CIL compliant as the proposed development more than mitigates its negligible air quality impact.

¹⁰ The RfR wrongly refers to DM24.

- 4.99 Firstly, by way of background, the Appellants will provide evidence to demonstrate that the methodology used in the Air Quality Assessment (AQA) submitted alongside the application was agreed at pre-application stage.
- 4.100 The Appellants will explain that the AQA, which assumed that the development would be complete and fully operational by 2026 to provide a conservative assessment¹¹, concluded that the impacts on all assessed receptor locations, including the A1156/A1214 junction Air Quality Management Area (AQMA), would be negligible for all pollutants considered (nitrogen dioxide and particulate matter).
- 4.101 Overall, since pollutant concentrations were predicted to be well below the air quality objectives, and the impacts described as negligible, the AQA concluded that the proposed development would not have a significant effect on local air quality. Beyond the good design and best practice measures embedded in the scheme, the assessment concluded that further mitigation was not necessary to ensure that there was no significant effect.
- 4.102 IBC have adopted a Low Emissions Supplementary Planning Document, which provides a methodology whereby the air quality impacts of a development are assigned a cost, and the embedded mitigation within the scheme is assigned a value. If the cost of damage exceeds the value of mitigation measures, then the SPD can be used by IBC to seek additional mitigation.
- 4.103 The mitigation set out in the SPD is subdivided into Type 1 measures, Type 2 measures, and Type 3 measures. It will be explained that, as presented in Appendix A5 of the AQA, the proposals include all Type 1 measures. For Type 2, some measures were not included by virtue of development scale (provision of workplace shower and locker facilities), type (use of ultra-low emission service vehicles) or since it was judged by the project team that financial contribution to air quality measures was not necessary given the costs of other measures; justification for their omission was provided in the AQA.
- 4.104 With respect to Type 3 measures, as justified in Paragraph A5.3 of the AQA, a number of these measures relate to Council services, for example, low emission waste collection services and contribution to low emission vehicle refuelling infrastructure for refuse collection; it is not, therefore, possible to meaningfully commit to include these measures as they are not within the control of an applicant. Nonetheless, the Appellants will explain that, in accordance with the SPD, the proposed Type 3 measures go above and beyond Local Plan requirements (e.g. 100% cycle storage provision, electric vehicle charging for all dwellings and bus service provision), which support and promote the uptake of low emission technologies and modal shift away from private car use.
- 4.105 The IBC SPD is clear that there is no expectation that every development will include every form of mitigation. Moreover, the requirement for additional mitigation is to be defined by the Damage Cost calculation. As shown in Section 9 of the AQA, the implementation costs of mitigation measures within the scheme total some £6 million, which significantly exceed the calculated Damage Cost of circa £118,500.
- 4.106 The Appellants will therefore contend and demonstrate that, as the air quality impacts of the Appeal Scheme are not significant, and as the mitigation measures already far exceed the Damage Cost, no additional air quality mitigation (whether Type 3 or otherwise) is necessary.

¹¹ The Appellants will explain, and may provide further evidence to demonstrate, that adopting a more realistic build out and completion date would materially lessen air quality impacts, as air quality is generally projected to improve as a result of greater use of electric vehicles. As the conservative approach already showed negligible impact, a more realistic assessment was not considered necessary at application stage.

- 4.107 Accordingly, the Appellants will explain that the proposed development accords with paragraph 192 of the NPPF, and creates no conflict with IBC Policy DM3 or ESC Policies SCLP10.3 and SCLP11.2.
- 4.108 The absence of any harm to air quality arising from the absence of the additional mitigation measures sought by the Local Planning Authorities means that no weight should be attributed to this reason for refusal.

RfR #10 – Loss of Sports Pitches

- 4.109 In understanding the rationale behind RfR #10, the Appellants have relied upon the explanation given in the IBC Officer Report at paragraphs 5.197 to 5.203, particularly in terms of interpreting the reference to the otherwise unexplained “contrary information” cited in the RfR.
- 4.110 The Appellants will present evidence to demonstrate that the Open Space Assessment (OSA) provided with the Outline Planning Application provides a robust analysis of provision, having regard to the requirements of Policy DM5. The Appellants will note, inter alia:
- The OSA is compatible with the typologies upon which the open space policies of the IBC plan (DM5 and DM6) are based. The Sport England response is specific to rugby rather than playing fields generally, and so is skewed to that particular activity, rather than considering outdoor active sport in the round;
 - Sport England base its assessment of the need for rugby pitches on East Suffolk’s Playing Pitch and Outdoor Sport Strategy and Action Plan, and criticise the OSA for not referring to that document. The Appellants will make no apology for the fact that the OSA concentrates on the need for and existence of playing fields in the Ipswich area primarily, because (a) the pitches are in Ipswich, not East Suffolk¹² and (b) it is clearly the case that the more relevant assessment is in relation to the availability of playing pitches to residents in the local area, and the vast majority of residents in the local area are in Ipswich, not East Suffolk.
 - The fact that the East Suffolk assessment is more recent is irrelevant, because (a) it does not cover the most relevant geographical area and (b) the extent of playing fields and quantum of population in the local area has not materially changed since publication of the Ipswich data in 2017, and so age is immaterial.
 - Had the OPA been extended to cover the immediately adjoining area of East Suffolk, it would have picked up the fact that less than 800m from the southern side of the Appeal Site is Ipswich YM Rugby Club. Not only does this part of Ipswich have a surplus of playing fields generally, but it is also particularly well served for rugby, by having two local rugby clubs, both providing opportunities for youth and adult participation.
 - In terms of need for pitches, Ipswich Rugby Club’s representation to the application appears to rely to the same ESC report referred to be Sport England, and so does not add anything additional, other than a commentary on the activities of the club itself.

¹² It is notable that the ESC decision does not include RfR #10 because the pitches are in Ipswich, not East Suffolk.

- 4.111 The IBC Officer Report implies at paragraphs 5.198 to 5.201 that there are three parties that are providing “contrary information” to dispute the OSA’s conclusion that there is a surplus of playing fields. However, as all of these parties are referring to rugby specifically, rather than playing fields, they are not in fact providing any form of alternative view on the surplus or otherwise of playing fields.
- 4.112 Moreover, on proper inspection, it will be seen that in terms of evidence, all three parties rely on the same ESC report. Ipswich Rugby Club refers to the November 2021 ESC report, and cross-references the views of Sport England and The Rugby Football Union on that same report. Sport England’s response provides no evidence of its own, it simply quotes The Rugby Football Union’s views on the ESC report.
- 4.113 In fact, therefore, the “contrary information” relied upon by IBC in supporting RfR #10 turns out to be a report prepared by ESC for what the Appellants will argue is essentially the wrong geographical area. RfR #10 is based on a misunderstanding by The Rugby Football Union on the circumstances of the site, that has then been ‘parroted’ by Sport England, Ipswich Rugby Club, and, ultimately, IBC.
- 4.114 Whilst there is disagreement between the Appellants and Sport England as to whether or not planning permission technically still exists for the use of the land by the Rugby Club, there does not appear to be any disagreement that the consents granted in the past limited the use of the land to 2½ hours a week, between 10.00am and 12.30 pm on Sunday mornings only.
- 4.115 The Appellants will argue therefore that the context in which IBC Policy DM5 is to be applied is one in which there is a surplus of playing fields in the local area, and a facility that has no wider recreational benefit above and beyond 2½ hours of use per week, and that only for rugby.
- 4.116 The rationale put forward by IBC as to why a breach of Policy DM5 exists is set out at paragraph 202 of the IBC Officer Report, and is stated as being because “the pitches are in use and there is a demand for this type of facility”. It has never been disputed by the Appellants that the pitches are used, and self-evidently their usage implies a demand. But the Appellants will argue that it is entirely wrong to conclude, on that basis, that there is a conflict with Policy DM5, as ‘usage’ per se does not justify retention under Policy DM5.
- 4.117 The proper appliance of Policy DM5 requires any development proposal involving the loss of open space to be assessed against the three exception tests set out in (a) to (c) of the policy, and it is clear that the Officer Report does not undertake this exercise.
- 4.118 The Planning Statement submitted with the application explained the approach to be taken as follows:
- “As explained in the Open Space Assessment, although the proposals will result in the loss of an area of land currently used by the Rugby Club, that land has only ever had a very limited use, and in fact no longer had planning permission for use. There is moreover a significant surplus of playing fields. It is not therefore proposed to be replaced on a like for like basis, but rather, the development will provide a different range of open spaces that will offer greater usage for a wider range of people. Alternative space for active sport will be in the form of the Multi-use games area, provided within the proposed development.”*
- 4.119 The Appellants will argue that the approach of replacing the limited opportunities for active sport currently available with a range of open spaces, including in particular the proposed MUGA, falls wholly within exception (b) of Policy DM5, and that there is therefore no conflict. By contrast, the Appellants will argue that paragraph 202 of the IBC Officer Report has produced the wrong conclusion because it has (a) misrepresented the case put forward at the application stage (b) failed

to apply Policy DM5 in the terms that it is actually written and (c) has in all likelihood been influenced by an assumption that the 'contrary evidence' referred to by other parties would stand up to scrutiny.

- 4.120 Notwithstanding the fact that there is an overall surplus of playing field provision in this part of Ipswich, the loss of the existing practice rugby pitches is a negative impact of the development, but for the reasons explained above, that negative is outweighed by the benefits of the Appeal scheme in providing a range of alternative open spaces/play spaces that will be more used and more useful to a wider section of the local community. Overall, the Appeal scheme delivers a net benefit in terms of spaces for active play and recreation.

RfR #11 – Quantum of Housing

- 4.121 This RfR can be split into two elements. The first element is the contention that by providing up to 660 homes, the proposals are in conflict with policies ISPA4.1 and SCLP12.24. The second element is the harm alleged in the reason for refusal as a result of the unit numbers, which is firstly described vaguely as resulting in "a number of pressures", but then is more particularly directed at the Land Use/Green and Blue Infrastructure Parameter Plans by reason of (a) compliance with open space standards (b) the sufficiency of open space to the rural edge to the north¹³ and (c) the protection of the character of Humber Doucy Lane.
- 4.122 In terms of the alleged harm, the matters referred to relate to the same matters raised in RfR #12 in respect of open space quantum and the size of the set back from Humber Doucy Lane, and RfR #4 in terms of the width of the open space to the north-eastern boundary. The Appellants' case in respect of these matters is therefore set out elsewhere in this Section and is not reiterated here, save to say that the Appellants' case is that the alleged harm simply does not exist.
- 4.123 This therefore only leaves the first element to be dealt with here, which is the contention that the number of units proposed creates a conflict with Policies ISPA4.1 and SCLP12.24 in principle. The Appellants will contend that it does not, and by contrast will explain:
- Even were it correct to say that the quantum of development exceeded a policy maximum, this would not be grounds for refusal unless that exceedance created material harm. The IBC Officer Report agrees this approach, noting at paragraph 5.17¹⁴ that:

"The exceedance of 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."
 - There is therefore no 'in principle' objection to exceeding the figures given in the policies, and the LPAs case in respect of RfR #11 is entirely dependent on its case under RfR #4 and RfR #12.
 - Conversely, there is a strong national policy framework that supports exceedance of the figures given in the policies, where compatible with other material considerations (see para 3.15 in respect of NPPF policy).

¹³ The RfR refers specifically to the rural edge to the north, but we assume, based on paragraph 5.149 of the IBC Officer Report, that this should have been a reference to north-eastern edge.

¹⁴ Para 5.31 of the ESC Officer Report

- As explained at paragraph 3.10, the policy compliant unit total for the allocated sites, based on a site-wide application of 60%/40% residential land to secondary uses and a minimum of 35 dwellings per hectare is, in fact, 660 units. The Appellants will explain that references in the IBC Officer Report to the number of units having been carefully considered in relation to site constraints at the Local Plan stage is in effect a re-writing of history, as the number of units was arbitrarily reduced during the examination in conflict with the basic mathematics.
- The Officer Reports correctly note that the Appeal Site does not cover the entirety of the allocation. However, the Appellants will explain that the rectangle of land on the west side of Humber Doucy Lane has significant constraints in terms of overall size, depth, and its position relative to the main elevation of the Listed Westerfield House, as to make any residential yield from this parcel essentially inconsequential to the overall yield from the allocations.
- Neither policy contains a unit cap. Policy SCLP12.24 refers to “approximately” 150 dwellings, whilst for the Ipswich area, whilst Policy ISPA4.1 refers to 449, the delivery of homes from this site is part of an overall minimum housing requirement under Policy CS7 which requires “at least” 8,280 dwellings in the Plan Period, of which a minimum of 4,431 are required from allocated sites, as explained at Table 3 on page 67 of the IBC Core Strategy.

4.124 The Appellants will therefore argue that not only does exceeding 599 units create no conflict with Policy ISPA4.1 or SCLP12.24, but that exceeding that number is actually in accordance with local policy, is supported by national policy, and is desirable in the context of a constrained housing land supply at Ipswich. Furthermore, any additional units over and above the notional total of 599 homes will mean that the scheme will deliver more affordable homes, equally important in a context where the need for affordable housing exceeds supply. The delivery of market and affordable housing are substantial benefits of the scheme, and delivering more than 599 homes increases the weight to be attached to these benefits.

RfR #12 – Open Space and Green Infrastructure

4.125 The three paragraphs that comprise RfR #12 raise six different issues, which can be summarised as follows:

- The overall quantum of open space proposed.
- The quantum of different typologies of open space.
- The location/distribution of recreational open space and children’s play space.
- Integration of open space within residential parcels.
- The size of the set back to Humber Doucy Lane; and
- The quality of open space.

4.126 The first matter is quickly dealt with. The level of open space that IBC calculate is required to be provided by a development of this scale is 8.11 ha, but as per the table at paragraph 5.36 of the Officer Report, it will be noted that the scheme provides 11.44 ha. The Appellants will refer to the Open Space Assessment submitted with the application, which uses IBC’s own data, to explain that there is a surplus of playing fields and allotments in the local area, and that therefore the policy compliant level of open space is actually 5.21 ha.¹⁵ Either way, the fact is that the Appeal Scheme

¹⁵ As set out on page 115 of the Design and Access Statement.

provides a surplus of open space compared to IBC's policy, not a shortfall, and this is recognised at paragraph 5.38 of the IBC Officer Report, which states:

"The total quantum of open space proposed is in excess of the total open space required by policy."

- 4.127 ESC's Officer Report is less explicit in the calculation, but based on the supporting text to Policy SCLP8.1, the Officer Report states at paragraph 5.65 that the scheme would require 2.4 ha per 1000 population, which would result in a requirement for 3.8 ha of open space.¹⁶ Compared to ESC's open space policy, therefore, the Appellants will argue that the quantum of proposed open space far exceeds the required policy quantum.
- 4.128 Although not referred to in the RfR, the Appellants note that there are several instances in the Officer Report where the inclusion of drainage within the open space is raised, with a suggestion that this may somehow compromise useable open space. The Appellants will explain that, not only is the approach of considering drainage separately to open space inappropriate, but even were all the land expected to be used for attenuation deducted from the open space quantum, the Appeal Scheme would still exceed the policy requirement for overall open space quantum.
- 4.129 In terms of the quantum of different typologies, IBC Policy DM6 cross-refers to Appendix 3 of the Core Strategy which sets out open space standards by typology. However, importantly, Policy DM6 also states:
- "There may be circumstances where development would more suitably accommodate greater provision of one typology at the expense of another. Such circumstances will be considered on their merits."*
- 4.130 The Appellants will note that the findings of the Open Space Assessment were discussed with the LPAs as part of pre-application in November 2023, and other than a request to check with IBC's leisure officers for any more recent data, no objection was raised to the open space typologies on-site being led by the findings of that assessment work. The Appellants will argue that the open space strategy set out on pages 114-119 of the Design and Access Statement provides an appropriately evidenced and justified approach to the design of open spaces, entirely in accordance with Policy DM6.
- 4.131 Although the RfR refers vaguely to "the quantity of particular open space typologies", it would appear from the Officer Report that the particular typology that the LPAs raise issue with is the shortfall in 1.0 ha of Parks and Garden Space. Given that the quantum of open space far exceeds the policy requirement, the Appellants will argue that the matter could, if required, be easily remedied by designing the available space to make up that deficiency, particularly since the open space typology plan only appears in the DAS as an illustration of how the open space *could* be designed to provide a range of different typologies.
- 4.132 In terms of open space typologies, therefore, the Appellants will argue that the proposed development is entirely in accordance with IBC Policy DM6.
- 4.133 On this matter, ESC Policies SCLP3.5 on infrastructure and SCLP8.2 on open space are essentially irrelevant, as neither contains a standard for open space provision, let alone a standard for different typologies.
- 4.134 Turning then to location and distribution of recreational spaces/play spaces, the Appellants will contend that the distribution of facilities is justified having regard to appropriate accessibility

¹⁶ 660 homes x 2.4 per dwelling = 1584 persons. 1.584 x 2.4 = 3.8 ha.

criteria, and that the suggestion that facilities are “limited to linear routes and transitional space” is simply incorrect, when properly assessed. The evidence will show that the proposed play areas meet the standards set out Appendix 3 of the Core Strategy and that they are in accessible locations.

- 4.135 The Appellants will contend that the suggestion that more open space should be integrated within the residential parcels is wholly illogical. The policy framework requires 60% of the site to be developed for residential purposes, so placing strategic areas of open space within the development parcels would simply push residential development closer to the boundaries of the site. Moreover, there is no justification for reducing the extent of the residential parcels in favour of more open space in circumstances where the LPAs have acknowledged that the Appeal Scheme exceeds open space standards, and where there is a policy basis for optimising the quantum of housing.
- 4.136 In terms of the relationship with Humber Doucy Lane, the Appellants will argue that the suggestion in RfR #12 for development to be set back further from that road is both unnecessary, and undesirable from an urban design and placemaking perspective. The Appellants will note and provide evidence to explain that the set back is approximately 10-20m wide, and that the nearest built development is likely to be set back further as a result of peripheral roads and landscaping within the residential parcels. The Appellants will also explain by reference to relevant evidence that the scale of setback provides ample space for the existing hedge to be retained (except where removed for access) and for new tree planting to supplement that hedge line. The Appellants will explain by reference to the DAS and relevant illustrative material that the new development is designed as an extension to the urban area of Ipswich, and that an overly large set back would be an incongruous, inefficient, and inappropriate design response.
- 4.137 Finally, in respect of open space quality, the RfR lack specificity as to why it is contended that the open space proposed is not of a suitable quality, but it is assumed that the four factors listed in the third paragraph of the RfR are relevant to this point, and which refer to overlooking, whether the open space is “meaningful” (presumably in scale), useable, and suitably distributed.
- 4.138 The latter point has been largely covered in terms of formal recreation, but in terms of semi-natural open space, the Appellants will explain why, given the key policy requirement from the three site specific development plans policies is to provide a transition to the rural eastern edge of the site, it is perfectly reasonable to provide a significant element of open space to the eastern and north-eastern sides. The Appellants will also explain why it is perfectly reasonable, given that this open space is required by policy to contribute to the ‘green trail’, for it to have a dual purpose of both providing separation and providing for informal recreational access. The Appellant will similarly explain and justify, by reference to the site-specific policies and the contextual analysis of the site provided in the DAS and technical reports, why each and every element of the open space is appropriately located and that the intended usage suits that location.
- 4.139 The suggestion that the open space provision is not ‘meaningful’ is clearly at odds with the undisputed fact that the level of provision substantially exceeds the policy requirement, and that for semi-natural open space in particular, the typology quantum is also significantly exceeded.
- 4.140 Lastly, in terms of overlooking, pages 92 and 93 of the Design and Access Strategy already explain that the intended design approach is to have outward facing residential parcels that will provide overlooking of adjoining open space. This is a matter for detailed design, but the DAS already shows that design intent.
- 4.141 Where RfR #12 is specific in its concerns (the overall quantum of open space and quantum of open space typology), the Appellants case is that there is no conflict with the policies cited, as either it is factually incontrovertible that the quantum of open space exceeds the required amount, or because

the policy clearly supports the context-driven and evidenced based approach that the Appeal Scheme is based on.

- 4.142 Where RfR #12 is vague as to what it is referring to or what it says is required (for example, such as the reference to “certain open spaces” in the second paragraph, or the unspecified references to quality), then the Appellants have had to draw their own conclusions as to what the substance of the RfR is, and have presented their case accordingly. This is an area therefore where, should the LPAs case provide greater specificity on their concerns and requirements, the Appellants may need to provide additional evidence.
- 4.143 As noted previously, the fact that the Appeal scheme delivers open space/play space above and beyond the policy requirement is a benefit of the scheme.

RfR #13 – S106 Matters

- 4.144 The Appellants intend to work with the two Local Planning Authorities in preparing a suitable s106 document to cover the delivery of affordable housing, relevant local infrastructure enhancements, and any other necessary mitigation.

Overall Planning Balance

- 4.145 The starting point for consideration of these Appeals is that the proposed development is delivering the site-specific allocations contained in the recently adopted Development Plans. In accordance with s38(6) and paragraph 11(c) of the NPPF, the presumption should be that planning permission should be granted, unless material considerations indicate otherwise.
- 4.146 Additional material considerations, in the form of current national policy, emerging national policy, and a constrained land supply all lend further weight to the grant of planning permission.
- 4.147 The Appellants do acknowledge that, in common with most new development, there are elements of harm. However, in this case, the harm is essentially limited to:
- Impact on the character of Humber Doucy Lane and impact on the existing hedgerow – this harm is essentially ‘embedded’ into the site-specific policies, as access from Humber Doucy Lane is a requirement which will inevitably impact on the existing hedgerow, and will impact on the character of Humber Doucy Lane (as will 600 new homes). The fact that the Appeal scheme creates that impact is not therefore a feature of the particular design of the scheme, it is essentially a requirement of the allocation.
 - Impact on the setting of Listed Buildings – again, as explained earlier in this section, any meaningful development of the allocated land will have an impact on the setting of the two Listed Buildings referred to, and therefore an impact at the lower end of less than substantial harm is essentially the lowest level of harm that can realistically be achieved.
 - Impact on local highways – any increase in local traffic will be mitigated as far as practical through the measures identified within the Transport Assessment submitted with the original applications.
 - Loss of countryside – again, this harm is implicit in the site allocations. The Appeal scheme delivers the requisite split between residential development and ‘secondary’ uses required under the relevant policy, and achieves a density of housing compliant with the requirements of policy.

- 4.148 None of the above matters raise 'material considerations' of any significant weight, let alone such sufficient weight to justify refusal of planning permission against the site-specific policies of the relevant Plans.
- 4.149 Conversely, delivering the site-specific allocations in the manner set out in the Appeal scheme achieves a range of social, economic and environmental benefits. These are set out at the start of this section. Individually the benefits vary from "minor" to "substantial", but taken together, the benefits of the scheme are very significant.
- 4.150 In conclusion, therefore, the Appeal scheme accords with the Development Plan, is supported by other relevant material considerations, and achieves significant benefits that substantially outweigh the very limited harm arising from the inherent impacts of delivering the site-specific allocations.

5. Evidence to be called in support of the Appellant's Case

- 5.1 Based on the reasons for refusal, but also taking into account consultation responses from statutory consultees and 3rd parties, the areas of expert evidence which the Appellants consider likely to be relevant are set out in the table below.

RfR Summary	Potential Expert Evidence
No masterplan submitted in support of the application	Planning/Urban Design
Impacts on highway network not properly assessed	Highways
Position of access onto Humber Doucy Lane	Highways/Landscape/Urban Design
Landscape and Heritage Impact	Landscape/Heritage
Flooding and Drainage Strategy	Drainage
Ecology and BNG	Ecology
Adequacy of greenspace for HRA mitigation	Planning/Landscape/Ecology
Extent of pre-determination archaeological investigation	Archaeology
Air quality mitigation measures	Air Quality
Loss of sports pitches	Planning
Quantum of housing proposed	Planning/Urban Design
Quantum of open space proposed	Planning/Landscape
Lack of completed s106	Planning/Highways/Education
Other Matters	Acoustics

- 5.2 The Appellants will seek to explore, through the use of appropriate Statements of Common Ground, whether or not any of the matters identified in the table above can be resolved via agreement without the need for detailed expert evidence to be called.

6. Documentation

6.1 In support the Appellants' case, the following documentation may be referred to:

- The adopted Ipswich Core Strategy and Development Management Policies Plan, and any proposed amendments to that document. Reference would include, but not be limited to, the policies cited on the relevant decision notice.
- The adopted Suffolk Coastal Local Plan and 'made' Rushmere St Andrews Neighbourhood Plan, and any proposed amendments to those documents. Reference would include, but not be limited to, the policies cited on the relevant decision notice.
- Any relevant Supplementary Planning Documents, Design Guides, and design standards.
- Any relevant evidence documents pertaining to previous, existing or proposed development plan documents.
- Evidence relating to market housing supply within the relevant Local Planning Authority areas.
- Evidence relating to affordable housing need and supply within the relevant Local Planning Authority areas.
- Evidence relating to open space provision within the relevant Local Planning Authority areas.
- The supporting evidence submitted with the original planning applications, and any further survey work/updated evidence/explanatory or visual material relating to the matters covered within that documentation.
- In addition to the completed ecological survey work in Appendix 4, any further relevant information relating to ecological matters.
- The outputs from the Suffolk County Transport Model relating to the Appeal scheme.
- The results of any archaeological investigation undertaken following the submission of the Appeal.
- Applications Plans and Illustrative Plans submitted as part of the original application;
- Any amended plans as may be appropriate to address minor or technical matters raised by either the Local Planning Authorities or statutory consultees, subject to the agreement of the Inspector.
- Evidence relating to any matters raised by statutory consultees not otherwise covered by the Reasons for Refusal, and any evidence relating to matters raised by 3rd parties not otherwise covered by the Reasons for Refusal.
- Relevant examples from other similar schemes in relation to the appropriate level of detail submitted for an Outline application;
- Evidence in relation to existing/projected availability of school places/early years places/further and SEND places, relevant demographic material relating to education requirements, and relevant documentation relating to education contributions.
- 2023 National Planning Policy Framework, and relevant Planning Practice Guidance;
- Any relevant revisions to National Planning Policy/Guidance, Ministerial Statements, or relevant national statistics/policy statements.
- Relevant legislation/case law.

