

Land at Humber Doucy Lane, Ipswich

Appeals against the refusal of a planning application submitted to Ipswich Borough Council (IBC) and East Suffolk Council (ESC) for:

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

IBC Reference: 24/00172/OUTFL

ESC Reference: DC/24/0771/OUT

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

Linked Case: APP/R3515/W/24/3350674

Statement of Common Ground: HRA

between

Barratt David Wilson and Hopkins Homes

and

Ipswich Borough Council (IBC) and East Suffolk Council (ESC)

1.0 Introduction

Purpose

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Barratt David Wilson and Hopkins Homes (hereinafter referred to as 'the Appellants') and Ipswich Borough Council and East Suffolk Council (hereinafter referred to as 'IBC' and 'ESC' respectively, or 'the councils').
- 1.2 This Statement sets out agreed facts and the positions of the Councils and the Appellant in respect of HRA issues.

Parties

- 1.3 The SoCG is jointly agreed by:



Signed

Date: 11/12/2024

Name: **Aidan Marsh**

On behalf of Barratt David Wilson and Hopkins Homes



Signed

Date: 16/12/2024

Name: **James Mann**

On behalf of IBC



Signed

Date: 16/12/2024

Name: **Kathryn Oelman**

On behalf of ESC

IBC Reason for Refusal 7:

"Local Plan Policy DM8 requires that any development with the potential to impact on a Special Protection area will need to be supported by information to inform a Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

The application site is within 13km of the Stour and Orwell Estuaries Special Protection Area (SPA); the Stour and Orwell Estuaries Ramsar Site; the Sandlings SPA; the Deben Estuary SPA and the Deben Estuary Ramsar Site.

Information to inform an HRA report has been submitted and includes measures to mitigate the impact of the development on the integrity of any European designated site. This includes the provision of on-site recreational greenspace but there is concern with the deliverability and appropriateness of the required amount of greenspace proposed. The inclusion of infrastructure such as drainage within the greenspace proposed, as well as some greenspaces potentially containing existing habitats of biodiversity value, is considered to reduce the quantity of the greenspace which can be considered as public open space for mitigation purposes. It has therefore not been adequately demonstrated that the proposed development if permitted can secure the delivery of the avoidance and mitigation measures identified.

Further information is therefore required before it can be concluded that the proposed development will not have an adverse effect on the integrity of the European sites included within the Suffolk Coast RAMS. Until such information is made available the proposal is contrary to the NPPF (paragraph 186) and Local Plan Policy DM8."

ESC Reason for Refusal 6:

"Local Plan Policy SCLP10.1 requires that any development with the potential to impact on a Special Protection area will need to be supported by information to inform a Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

The application site is within 13km of the Stour and Orwell Estuaries Special Protection Area (SPA); the Stour and Orwell Estuaries Ramsar Site; the Sandlings SPA; the Deben Estuary SPA and the Deben Estuary Ramsar Site.

Information to inform an HRA report has been submitted and includes measures to mitigate the impact of the development on the integrity of any European designated site. This includes the provision of on-site recreational

greenspace but there is concern with the deliverability and appropriateness of the required amount of greenspace proposed. The inclusion of infrastructure such as drainage within the greenspace proposed, as well as some greenspaces potentially containing existing habitats of biodiversity value, is considered to reduce the quantity of the greenspace which can be considered as public open space for mitigation purposes. It has therefore not been adequately demonstrated that the proposed development if permitted can secure the delivery of the avoidance and mitigation measures identified.

Further information is therefore required before it can be concluded that the proposed development will not have an adverse effect on the integrity of the European sites included within the Suffolk Coast RAMS. Until such information is made available the proposal is contrary to the NPPF (paragraph 186) and Local Plan Policies SCLP12.24 (Land at Humber Doucy Lane) and SCLP10.1 (Biodiversity and Geodiversity)."

Habitat Regulations Assessment and Recreational Avoidance and Mitigation Scheme (RAMS)

1. It is agreed that the European site designations relevant to this scheme are Stour and Orwell Estuaries SPA and Ramsar Site, Deben Estuary SPA and Ramsar Site and Sandlings SPA.
2. In respect of the relevant impact pathways to these European sites, it is agreed that recreational pressure and air quality should be screened in for Appropriate Assessment. No direct impact pathways exist.
3. It is agreed that whilst there will be an increase in air pollution at the European sites as a result of in-combination growth across Ipswich Borough and Suffolk Coastal District Councils, these effects are not considered significant, even without mitigation, due to predicted improvements in vehicular emissions standards and a shift towards use of low emissions vehicles. The Air Quality Assessment prepared for the Appeal Scheme (Marshall, 2024) further supports this, showing the proposed development will result in a negligible increase in annual mean nitrogen dioxide concentrations. With no significant effects on air pollution, mitigation is not required. A number of good design and best practice measures have been incorporated into the proposed development, which conform with Policy CS20 of the Ipswich Local Plan. It is therefore agreed that the proposed development will have no significant adverse effect on the integrity of the five European sites as a result of impacts associated with air pollution.
4. The appropriate mitigation approach in respect of recreational disturbance is set out within the Recreational Disturbance Avoidance Mitigation Strategy (RAMS) prepared by Footprint Ecology (Hoskin, Liley and Panter, 2019) as jointly commissioned by East Suffolk, Ipswich Borough, Babergh District and Mid Suffolk Councils.

5. In respect of recreational disturbance, it is agreed that, taken in isolation, the proposed development would have no adverse effect on the integrity of the European sites. However, it is further agreed that, in-combination with other plans or projects, recreational disturbance impacts would have the potential to result in adverse effect on the integrity of the European sites.
6. It is agreed that the Recreational Disturbance Avoidance Mitigation Strategy (RAMS) identifies two separate tariff zones (Zones A and B) and that the area of the Appeal Scheme variously falls into both of these zones. There is no dispute regarding the tariffs, which are annually adjusted for inflation, that payment of these will need to be secured in respect of the proposed development.
7. It is agreed that on-site Public Open Space within the Appeal Site could include a number of walking routes which will accommodate some of the recreational needs of residents.
8. It is agreed that the walking routes afforded by existing off-site public rights of way (as described in the Appellants information to inform HRA report (CSA/6675/05A), will provide a range of suitable walking routes for residents, including a number of attractive longer walks in excess of 2.7km.

Whilst the points above are agreed, it remains disputed by the parties whether the package of mitigation measures provided, specifically the quantum and design of the on-site Suitable Alternative Natural Greenspace (SANG), is adequate to conclude that the proposed development will not have an adverse effect on the integrity of the identified European sites.