



Appeal Decision

Inquiry Held on 8, 9 and 10 August 2017

Site visit made on 7 August 2017

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 October 2017

Appeal Ref: APP/J3530/W/16/3160194

Land East of Bell Lane, Kesgrave

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes Limited and BPT Limited against the decision of Suffolk Coastal District Council.
 - The application Ref DC/15/4672/OUT, dated 18 November 2015, was refused by notice dated 15 July 2016.
 - The development proposed is 300 dwellings, provision of land for a primary school and associated landscaping and open space.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Persimmon Homes Limited and BPT Limited against Suffolk Coastal District Council. This application is the subject of a separate Decision.

Procedural matters

3. The application was made in outline with all matters reserved apart from access but only details of one vehicular access from Bell Lane are submitted for approval now, so other details of access would remain for subsequent approval, if permission were granted, together with details of appearance, landscaping, layout and scale. In consequence, those matters are not at issue in this decision.
4. In accordance with a direction given by the Secretary of State in February 2014, the application is accompanied by an Environmental Statement. This includes three parameter plans covering density, building heights and land uses. In accordance with decisions of the courts¹ these parameter plans must be applied by condition, if permission is granted, so as to establish an envelope within which the detailed design and discharge of reserved matters can proceed, irrespective of whether or not they would otherwise be required to make the development acceptable. In consequence, those matters are taken into account in this decision.

¹ R v Rochdale MBC ex parte Tew and Others [1999] 3 PLR 74 and R v Rochdale MBC ex parte Milne [2000] EHC 650 (Admin)

5. Not far from Kesgrave is the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar, and the Deben Estuary SPA and Ramsar. Natural England advises that there is the potential for a residual impact on the Deben Estuary SPA/Ramsar site from this development proposal in combination with others. Regulation 61(1) of the Habitats Regulations makes it clear that if a plan or project is likely to have a significant effect on a protected site (either alone or in combination with other plans or projects) and it is not directly connected with or necessary to the management of the site, the competent authority shall undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives.
6. However, Natural England also advises that provided adequate green infrastructure is built in to the proposal to provide for the dog-walking requirements of potential future residents and provided a proportionate contribution is made to the strategic recreational disturbance mitigation scheme being developed by Suffolk Coastal District Council in combination with neighbouring authorities, then the proposal can be screened out from further stages of assessment because significant effects are then unlikely to occur either alone or in combination with other plans or projects. It is agreed by all parties that the green infrastructure can be secured through a planning condition. The appeal is accompanied by a planning obligation which provides for the payment of a contribution to the strategic mitigation scheme. Accordingly, no Appropriate Assessment under the Habitat Regulations is required.
7. The proposal is accompanied by two planning obligations and an Options Agreement with Suffolk County Council. Between them, these also provide for one third of the dwellings proposed to be provided as Affordable Housing, for a travel plan, an on-site play area (LEAP), a public path across the site, payment for the County's costs in promoting public path creation orders across land to the north of the site, a five year subsidy for bus stops and a bus service along Foxhall Road to the south of the site, payment for the County's costs in promoting a Traffic Regulation Order to extend speed limits in the vicinity of the site and for the County to purchase within seven years the part of the site allocated as land for a primary school extension. I consider the necessity of these proposals, their relationship with the development and their proportionality in subsequent parts of this decision but, because I have concluded that the appeal should be dismissed in any event, it has not been necessary for me specifically to conclude on their compliance with the CIL regulations.
8. There are acknowledged to be two defects in the Council's decision notice as originally issued. It omitted to refer to DM3 of the Suffolk Coastal Local Plan Core Strategy and Development Management Policies Development Plan Document adopted in July 2013 but it is accepted that this amplifies policy SP28 which is applied by policy SP20 which is referred to in the decision notice. The notice also incorrectly asserts that the site falls within the main urban corridor of Kesgrave, Martlesham and Rushmere St Andrew referred to in policy SP20, when in fact it does not. Both these errors were identified and brought to notice well in advance of the Inquiry.
9. I made an unaccompanied visit to the site before the Inquiry. Because of the outline nature of the application, no matters of contention arose during the

Inquiry which required resolution with the aid of a further site visit and so, with the agreement of the parties, no additional accompanied site visit was made.

10. Although the format of this appeal was announced as an Inquiry and the majority of the event conducted according to that procedure, both main parties requested that one issue, relating to housing land supply, be dealt with through a round table discussion. As no third parties wished to make contributions on that issue, I agreed.
11. This appeal was meant to be determined following an Inquiry which opened on the 25 April 2017. That Inquiry closed without a decision because the Council was about to publish a new Strategic Housing Market Assessment (SHMA) containing a new assessment of OAN. Both parties agreed that in the interests of fairness and to ensure that the decision would be based on the most up to date information, that Inquiry should be halted. In the event, the Inspector was not in a position to continue following the publication of the SHMA and so that Inquiry was closed without decision and the present Inquiry arranged.
12. This Inquiry sat on the days indicated but was held open to allow for the signing of the planning obligations and an option agreement with the County Council and because Suffolk Coastal District Council was due to issue its reviewed Local Plan Issues and Options document a few days after the Inquiry sittings ended but before my decision was likely to be issued. All parties agreed that this document was likely to be relevant to my decision and that they should be allowed to provide written comments on it. I concurred and so the Inquiry was held open for this to take place.
13. The parties made reference to at least seven appeal decisions and eleven legal judgments in making their cases. In this decision, I do not make specific reference to or comment on any of those, unless the distinct circumstances of this case might otherwise not be self-evident.

Main Issues

14. There are three main issues, one with several parts. The first main issue is not in dispute between the two main parties. It is identified through third parties' representations. It is whether the site is in a location which is, or can be made, sustainable. This is the phrase used in the penultimate bullet point of paragraph 17 of the National Planning Policy Framework (NPPF). In this decision I use the phrase "sustainable location" as shorthand for the words used in the NPPF.
15. The second main issue is whether the proposal would be harmful for the reasons stated in the Council's decision, which can be summarised as;
 - A location in what the development plan defines as countryside outside the physical limits boundary
 - Prejudice to open space provision and network connections and
 - Pressure on services
16. The third main issue is the effect of the proposal on the supply of housing.

Reasons

Sustainable location

(i) Principles

17. There are three dimensions to sustainable development; economic, social and environmental. A sustainable location is not synonymous with a sustainable development but it contributes to all three dimensions; to the economic role by characterising land which is in the right place; to the social role through the provision of accessibility to local services; and to the environmental role by using natural resources in transport prudently, minimising waste and pollution.
18. One of the government's core planning principles is that planning should actively manage patterns of growth to make the fullest use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. This appeal proposal is sufficiently significant to warrant Environmental Impact Assessment and so this principle should apply to its consideration.
19. The principle is elaborated in the National Planning Policy Framework (NPPF). Recognising that circumstances vary depending on the nature and location of the site, paragraphs 29, 32, 34 and 38 advise that decisions should take account of whether the opportunities for sustainable transport modes have been taken up so as to reduce the need for major transport infrastructure and should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes should be maximised. A mix of uses should be promoted in order to provide opportunities to undertake day-to-day activities including work on site and, where practical, key facilities such as primary schools and local shops should be located within walking distances of most properties.

(ii) Kesgrave

20. The Settlement Hierarchy for the Suffolk Coastal District is, as stated in policy SP2 of the adopted Suffolk Coastal District Local Plan, drawn up on the principles of sustainable development and sustainable communities. That settlement hierarchy is set out in that plan's policy SP19. It includes the Eastern Ipswich Plan Area as one of two major centres within the district. That concept is refined in policy SP20 which divides the Eastern Ipswich Plan Area into three sections, one of which is the main urban corridor of Kesgrave, Martlesham and Rushmere St Andrew where the completion of long-standing housing allocations and other small scale development opportunities within the defined built up area is envisaged. For these reasons, both main parties recognise Kesgrave as a sustainable location in general terms.

(iii) The site

21. But, although the site is separated from Kesgrave only by the 20m width of a bridleway, it is outside Kesgrave and the main parties' agreement that Kesgrave is a sustainable location does not automatically extend from the existing settlement to the site. It is a long and relatively narrow site,

extending in depth from Bell Lane at its west end where vehicular, pedestrian and cycle access is readily achievable.

22. The various planning obligations submitted with the appeal make provision to pay the County Council up to £8,500 per link incurred in making up to three Public Path Creation Orders to link the site across the bridleway to the settlement of Kesgrave to the north. There is opposition from the landowner of the hedgerow which bounds the south side of the bridleway to the creation of these links so there can be no guarantee of their provision but, for the purposes of this decision, I have presumed that at least one link would succeed.
23. Even so, the table of local facilities in close proximity to the site, originally provided in Mr Dix's note attached to Mr Collins's evidence on behalf of the appellants and reissued with corrections during the Inquiry (Inquiry documents 8 and 20) shows that not one of the facilities listed would be within a desirable walking distance from the centre of the site. Only two facilities (Cedarwood Primary School and the Millenium Sports and pavilion (including youth club)) would be within the acceptable walking distance for commuting or school trips. Most of the listed facilities would exceed even the preferred maximum walking distance using the commonly accepted *Guidelines for Providing for Journeys on Foot* of the Institution of Highways and Transportation.
24. Of course, walking distances are not the only yardstick by which to judge a sustainable location. NPPF paragraph 38 seeks opportunities to undertake day-to-day activities on site. NPPF paragraph 34 advises that developments generating significant movement should be located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. These are defined in NPPF Annex 2 as including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.
25. There is no indication at this outline stage that the scheme would offer particular encouragement to ultra-low emission vehicles such as through the provision of electrical vehicle charging points, though such could probably be required through condition when details are submitted at reserved matters stage. The Suffolk Car Share link would be provided in the Welcome Pack for Residents as part of the submitted Initial Travel Plan, which could be secured by condition.
26. National Cycle Route 1 runs in an east-west direction approximately 1km north of the site. There are also quiet cycle routes concentrated within the built up residential areas directly north and north-west of the site, though a local resident asserted that the speed (even within the speed restricted area) and volume of traffic on, and the width of, Bell Lane made it unattractive to cyclists. Cycling does not appeal to all but the facilities in the appellant's list would all be within reasonable cycling distance. However, not all day-to-day requirements are in the appellant's list.
27. In terms of day-to-day living, the availability of work is probably one of people's main considerations. Other than at the facilities listed in Kesgrave, little or no employment opportunity would be provided on site or within an acceptable, let alone desirable, walking distance. For those using a bus to get to work, the nearest existing bus stop is in Ropes Drive about 1km from the centre of the site. Another is at the junction with Penzance Road, about 900m

along Bell Lane from the entrance to the site. Although walkable, none of these are close enough to encourage their use. Planning obligations would provide additional bus stops on Foxhall Road but as these would be a similarly unattractive distance to the south of the site, their provision would give little more encouragement to the use of public transport. So, other than for homeworking, the development would give rise to a need to travel to find work. In terms of this activity, the proposal would thus be contrary to the advice of NPPF paragraph 34.

28. The development of this site would give rise to a need to travel for all day-to-day activities but particularly for work. It would be capable of promoting sustainable travel modes such as car sharing and ultra-low emission vehicles but so would any other new development anywhere, so that is not an indication of a sustainable location. It is acceptably located for cycling but poorly located for walking and for encouraging public transport use. As a consequence the development would be highly dependent on car travel for day-to-day activities.
29. I conclude therefore that the general acceptance of Kesgrave as a sustainable location by the two main parties is misleading in relation to this specific site. In consequence this proposal would result in a degree of harm to all three elements of sustainable development if permission were granted. It would be contrary to Local Plan policy SP1 (b) and (g) which seek to relate new housing development to employment services, transport and infrastructure and to reduce the overall need to travel and to policy SP2 which seeks to distribute land for new homes in accordance with the Settlement Hierarchy drawn up on the principles of sustainable development.

Effect on countryside

30. As the appellant's counsel observed in both opening and closing, there are no site specific development control issues raised in the reason for refusal. None relating to the effects on the countryside emerged during the Inquiry. This is a site which has no planning or landscaping designation. It is not marked as countryside out of the ordinary. There is no suggestion that it is a valued landscape. There is no issue on ecology. Although it is agricultural land, it is not the best and most versatile agricultural land.
31. Government policy, set out in NPPF paragraph 17 bullet 8 and in paragraph 111, is that planning should encourage the effective use of land by reusing land that has been previously developed. This is a greenfield site and so its development would not align with that government preference and would transform its character and appearance from an undeveloped to a developed area but otherwise little or no harm to interests of acknowledged importance would ensue from its development.
32. I conclude (as indeed, the appellant accepts) that the development would be contrary to Local Plan Strategic Policy SP20, which in turn applies policy SP29² in that the site lies in the part of the Eastern Ipswich Plan Area which is countryside, where new development will be limited to that which of necessity requires to be located there (or would otherwise accord with special circumstances which do not apply in this case). But any harm, over and above

² Policy SP28 and its elaboration DM3 apply to developments within "other villages" within the Eastern Ipswich Plan Area (i.e. those not having physical limits boundaries) and so are not relevant to this proposal, which is for the development of open countryside.

the intrinsic consequences of developing a greenfield site contrary to the expressed preferences of government and the intangible harm to the concept of a plan-led system, would be minimal.

Open space provision and network connections

33. Of its nature, this is an outline proposal whereas these are considerations that must await determination when details of reserved matters are submitted. Suffice it to say that a condition, recommended by Natural England and accepted by both main parties, would require the provision of a quantity of open space sufficient to serve the needs of the development and to provide mitigation for any potential effects on nearby SPA and Ramsar sites. A further condition, recommended by the County Council and accepted by both main parties, would require the provision of a footpath connection across the site on an east-west alignment. Finally, the planning obligations provide for the County's costs in making public path creation orders to provide network connections into Kesgrave across the bridleway to the north of the site.
34. I conclude that the proposal would have an acceptable effect on the provision of open space and network connections. It would therefore comply with that part of Strategic Policy SP20 which requires the countryside part of the eastern Ipswich Plan Area to secure an improved network of green spaces around the more urban area and to create alternative opportunities for countryside recreation for existing and future residents as a preferred alternative to visiting European nature conservation sites.

Pressure on services

35. It is undisputed that schools currently serving the Kesgrave area do not have the capacity to take on the pupils who would derive from this development. Likewise the general practitioners who provide healthcare services are oversubscribed. But, as government Guidance points out, the Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support the development of an area.
36. Guidance advises that charging authorities should set a CIL rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant plan and should strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area. So it follows that CIL cannot be expected to pay for every infrastructure need arising from a development³; as the Guidance states, it is a tool to help. Moreover, the CIL rate is calculated across an authority. Payments arising from one site which are more than the costs of providing the infrastructure to that site can balance less adequate payments from another site and vice versa.
37. It follows (though Guidance does not explicitly state) that where the infrastructure impacts of a development fall within the terms of an authority's list of requirements to be met by CIL (which here include educational and health facilities), the appropriate contribution to the provision of those infrastructure requirements arising from that development is deemed to be met. I therefore consider that the proposal would make an adequate contribution to the provision of education and health facilities, notwithstanding

³ Guidance Paragraph: 094 Reference ID: 25-095-20140612

the local planning authority's calculation that the full costs of the necessary provision to serve this site would not be met by the particular CIL contribution arising from this site.

38. In addition to the CIL contributions, specific provision is made within the unilateral undertakings for transport infrastructure improvements (traffic lights at junction of Bell Lane and Foxhall Road, extended speed limits, bus stops on Foxhall Road and a five years' subsidy for pump-priming improved public transport provision). These will accommodate the pressure on transport infrastructure expected to arise from the development.
39. I therefore conclude that the effects of the proposal on infrastructure services would be acceptable. It would comply with Local Plan policy SP1(d) which seeks to ensure the provision of appropriate infrastructure to support existing and proposed communities. These are all mitigations which answer objections to the scheme; they are not enhancements to weigh in its favour.

Housing Land Supply

40. Any housing development is of benefit as government advice in the NPPF repeatedly makes clear. The provision of 30% of the dwellings proposed in this case as affordable housing accentuates that benefit. The issue in this particular case is whether those benefits would be of even greater significance in the light of the Council's housing land supply position.

(i) The requirement

41. Paragraph 47 of the NPPF sets out five bullet points advising what local authorities should do to boost significantly the supply of housing. The first bullet point is to ensure that the Local Plan meets the full objectively assessed needs (OAN) for market and affordable housing in the housing market area.
42. It is incontestable that the adopted Local Plan does not and did not do this even at the time of its adoption. The OAN was 11,000 dwellings within the plan period. The Local Plan Core Strategy promises provision of at least 7,900 new homes in the plan period. The Inspector's Report of January 2017 into the examination of the subsequently adopted Site Allocations document records that the combined total set out in the submitted plans and other development totals 8,620 dwellings. Both development plan documents were found sound and adopted but on the bases that the latter was only implementing the former and that an early review of the former would take place with the publication of an Issues and Options Report by 2015 at the latest. That has not happened and so these provisions are, quite clearly, out of date.⁴
43. That does not mean they should be disregarded. Planning applications (and appeals) must be determined in accordance with the development plan unless material considerations indicate otherwise. The dated nature of the adopted plans is a material consideration but one which, on its own, does not necessarily indicate that a decision should be taken otherwise than in accordance with the plan.

⁴ In paragraph 16 of appeal decision APP/J3530/W/15/3138710 the Secretary of State has come to the same view.

(ii) The supply

44. The second, third and fourth of the five bullet points of NPPF paragraph 47 advise local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% or 20% to ensure choice and competition, to identify a supply for later years, to illustrate delivery through a housing trajectory and to set out a strategy to maintain delivery of a five-year supply to meet their target.
45. The requirement, or target, is set by the Local Plan. In this case, therefore, the target or requirement is at least 7,900 homes in the plan period, or a rate of at least 465 dwellings per annum, excluding any buffer. The data submitted shows that the Council's delivery has fallen short of this target in five of the last eight years. Although delivery has picked up and exceeded targets in the last three years, a cumulative shortfall for the period still persists and so it would not be unreasonable to continue to apply a 20% buffer to the target.
46. The parties are unable to come to an agreement on the current quantity of specific deliverable sites which might provide the next five years' supply. I have not examined their reasons in relation to each individual site because the circumstances of each site are volatile and so any precise figure arrived at would give a spurious impression of accuracy.
47. Rather, I take note of the Council's confirmation that its calculations include no factor for the vicissitudes of life such as non-take-up of permissions or unexpected delays or difficulties in delivery. I also note that its track record of forecasting supply is consistently 65% accurate. I accept the claim that recent staff appointments and changes in the focus of its activity should have improved that accuracy but, even so, I doubt that its forecasts can be 100% reliable. On the other hand, the appellant's trajectory seems to treat any difficulty as insurmountable and does not appear to have included any factor to recognise the ability of a developer to make sudden or unexpected progress on a site. Consequently, I regard it as pessimistic. The truth probably lies somewhere between the two but tending towards the appellant's figure of 3,552 rather than the Council's 4,349.
48. Even so, on the appellant's (probably pessimistic) supply figures, and taking on board a 20% buffer (the most pejorative to the Council's case), the Council is very close to being able to demonstrate a five-year supply at the present moment, including making good its past shortfall. Compensating for the appellant's inherent pessimism, it is probable that a five-year supply against the requirement of the Local Plan just about exists currently, in so far as the uncertainties of the method allow such a definitive statement.
49. In appeal decision APP/J3530/W/16/3160194 the Secretary of State has made a calculation of a 3-3.5 year supply using the Local Plan's OAN as a requirement figure in substitution for the out of date target set in the Local Plan. I have not felt the necessity to do a similar calculation in this case because it is only needed for the purposes of establishing whether relevant policies for the supply of housing should be considered out of date in accordance with NPPF paragraph 49, whereas I have already concluded, in my paragraph 42, that they are out of date in any event. But, as also stated earlier, although the datedness of the adopted plans is a material consideration

it is one which, on its own, does not necessarily indicate that a decision should be taken otherwise than in accordance with the plan.

(iii) New information

50. A new SHMA was published in May 2017. It establishes a new OAN for Suffolk Coastal of 10,111 dwellings but for a different period (2014-36), equating to an annual rate of 460 dwellings per annum, considerably less than the annual rate of the previous OAN (647 dwellings per annum) but similar to the requirement (at least 465 dwellings per annum) set by the Local Plan.
51. Whilst this new information is clearly a material consideration, OAN figures must be handled with care. The previous OAN, even if not tested to destruction, had been through an examination process and is incorporated within a development plan document which has been found sound. But, as noted above, that Core Strategy is dated and its OAN was prepared in accordance with methods which are themselves out of date.
52. The new OAN is claimed to have been prepared in accordance with currently recommended methods but, unlike the previous OAN the new OAN has not yet been examined in any way. The appellant in this appeal has set out comments and criticisms of the calculations in the new OAN. It is not appropriate for me, in the context of a s78 appeal to examine the reliability of the new OAN; I simply note its findings and that they are untested and subject to criticisms.
53. In any event, an OAN is not a housing requirement or target. That is set through a local plan. The requirements may turn out to be higher or lower than the OAN, depending on policy considerations and the duty to cooperate. I note that the new OAN for Suffolk Coastal is identified within the context of a SHMA which covers five local authorities and two housing market areas. I am aware of suggestions that the OAN for at least one of the other authorities which shares a housing market area with Suffolk Coastal could only be met by reassigning requirements to other of the authorities within the same market area through the duty to cooperate. That is one of the options canvassed (Section B, Option 2 for Ipswich Borough Council) in the recently published Issues and Options document for the Suffolk Coastal Local Plan Review. It is not a matter for me to determine.
54. The Issues and Options document was published for consultation on 18 August 2017. It considers the need for further growth in the area and where it should take place, poses questions on a variety of topics and canvasses far more sites than would be actually needed as potential land for development. One of these is site 520, a 61.6 hectare site which includes the appeal site. I note that, whatever option is pursued, at least 27% of growth should be accommodated in the area to the East of Ipswich, an area which may include this site. But, no assessment of its suitability for development or of what may be needed to be done to make it a sustainable location for development is included in the Issues and Options document and so its publication adds no further information to the matters already considered in this decision.

(iv) Summary

55. In summary; this proposal would provide the benefit of 300 new dwellings, 100 of which would be in the form of affordable housing. The Council has fallen behind in delivering its housing requirements and has not yet caught up,

though progress is being made. It has just about got an identified five-year housing supply against its Local Plan targets, including a 20% buffer and has clearly done so against a 5% buffer, though not against a higher target set in a recent appeal decision⁵.

56. Although it is possible that the review of its Local Plan may set a higher target through the operation of the duty to cooperate, that has yet to be settled. Consequently, at this moment in time, there does not appear to be any disproportionate benefit resulting from the housing proposed. It would provide the equivalent of about two-thirds of one year's supply, additional to planned delivery and would provide a very useful cushion against potential delays to that supply. Although outside the defined settlement boundary, it would contribute towards exceeding the Council's housing target, in accordance with policy. That is the measure of its benefit.

Conclusions

57. As the Statement of Common Ground makes clear, the proposal was tested against twenty-seven Core Strategy policies and found acceptable against most of them. Examination of the Council's reasons for refusal shows that most of them could be satisfied by conditions or would be satisfied by obligations but there does remain the intrinsic resource cost associated with using a greenfield site and the intangible harm of conflict with the defined settlement boundaries. Moreover, and in any event, the Council's reasons for refusal did not identify the matter, raised by third parties, of whether the development is in a location which is, or could be made, sustainable.
58. The social and economic benefits of providing housing, albeit without any disproportionate or urgent need, would normally outweigh the limited harm expressed in the Council's reasons for refusal because the Council's housing target is a figure to be exceeded, not one to which development should be limited. Other benefits claimed by the appellant are mitigations of harm rather than positive enhancements to be weighed in the development's favour. Moreover, close consideration of third parties' points reveals that, contrary to the agreement reached between the Council and the appellant, this site would not be in a sustainable location because it is distant from opportunities to undertake day-to-day activities and the development itself would not remedy that.
59. Important though the provision of housing is, it is also important that patterns of growth are actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are, or can be made, sustainable. There is speculation that the forthcoming review of the Council's local plan may include this site within an allocation for development. If it does so, it will be examined to ensure that any allocation accords with the government's principles for sustainable development. This particular proposal does not and so, the appeal is dismissed.

P. W. Clark

Inspector

⁵ APP/J3530/W/16/3160194

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Harriet Townsend, of Counsel	Instructed by Hilary Slater, Head of Legal Services, Suffolk Coastal District Council
She called Ben Woolnough BSc(Hons) MSc MRTPI	Major Projects Advisor, Suffolk Coastal District Council

Christina Howick MA MSc(Econ) Partner, Peter Brett Associates
took part in the round table discussion on Housing Land Supply

Philip Ridley BSc(Hons) MRTPI Head of Planning and Coastal Management SCDC
took part in the round table discussion s on Housing Land Supply and on conditions

The following took part in the round table discussion on conditions:

Neil McManus MRICS ACES	Development Contributions Manager, Suffolk CC
Luke Mitchell BSc	Flood & Water Engineer, Suffolk County Council
Luke Barber BSc DipME, DipCE	Senior Development Management Engineer, SCC

FOR THE APPELLANT:

Sasha White QC	Instructed by Tim Johnson, Shoosmiths
He called Charles Collins MSc MRTPI	Planning Director, Savills

The following took part in the round table discussion on Housing Land Supply:

Christopher May (BA(Hons) MRTPI	Executive Director, Pegasus Planning Group
Mark Hewett	Partner, Intelligent Land

Tim Johnson
Took part in the round table discussion on conditions

INTERESTED PERSONS:

Rebecca Patten	Kesgrave Town Councillor
Jane Cody	Local resident
Sue Hall	Kesgrave Town Council Public Transport Liaison Officer

Additional DOCUMENTS handed in at Inquiry

- 0 Claim form and Statement of Facts and Grounds challenging "Bredfield" appeal decision (APP/J3530/W/16/3165412)
- 1 Ben Woolnough Summary Proof of Evidence
- 2 "Siege Cross" appeal decision (APP/W0340/W/15/3141449)
- 3 "Barwood Land" judgment [2017] EWCA Civ 893
- 4 Suffolk Coastal Community Infrastructure Levy Charging Schedule
- 5 Extract from national Guidance; CIL rates
- 6 E-mail 7 August 2017 setting out Suffolk Coastal CIL receipts
- 7 Technical Note by Christina Howick; Economic Activity Rates
- 8 Revised table ID2.2; Local facilities in close proximity to the site
- 9 Ss25 and 26 of Highways Act 1980
- 10 E-mails concerning delivery of Adastral Park development
- 11 Appellant's Housing Land Supply Position Statement 8.8.2017
- 12 Summary of 5-year HLS scenarios
- 13 Supply sites trajectory assessment
- 14 Supplementary note regarding supply forecasting
- 15 Communications between SCDC and Long Strops landowners
- 16 Note on the obligations, option agreement and Highways Act
- 17 Draft Option agreement
- 18 SCC's revised conditions
- 19 SCDC CIL compliance statement
- 20 Vectos note on pedestrian accessibility
- 21 "St Modwen" judgment [2016] EWHC 968 (Admin)

Additional DOCUMENTS received after Inquiry sittings

- 22 E-mail from Tim Johnson of Shoosmiths, attaching note on data behind Council's Housing Trajectory forecasts and note on s106 agreement
- 23 E-mail from Ben Woolnough responding to above.
- 24 Issues and Options for the Suffolk Coastal Local Plan Review
- 25 Appellant's comments on the Issues and Options report
- 26 Signed and dated s106 Agreement and Unilateral Undertaking
- 27 Jane Cody's comments on the Issues and Options report
- 28 Council's response to appellant's comments on the Issues and Options report
- 29 Appellant's final comments on the Issues and Options report, attaching appeal decision APP/J3530/W/15/3138710