

Matter 9 – Allocation for Housing and Other Development and Settlement Boundaries

Representations made on behalf of Bildeston Parish Council

August 2021

Introduction

Bildeston Parish Council objects to the allocation of Site LA048 Land south of Wattisham Road, Bildeston in the Babergh and Mid Suffolk Council Joint Local Plan (JLP). The parish council consider that the site's allocation for housing in the JLP is unsound. Its inclusion has been made without a robust evidence base, and the development at the site is unlikely to be viable. In particular, highway and safety issues have not been adequately addressed, and mitigation measures will be prohibitive, resulting in the allocation of a site that will not be deliverable. In addition, the policy wording is not justified or effective.

The parish council have previously submitted extensive representations that provide evidence (including a Transport Note prepared by consultants Ayen Consulting) and a reasoned argument for the site's removal from the JLP. These arguments are not repeated in full in this statement, which instead addresses each of the relevant questions set by the Inspectors.

1 Question 9.1: Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based; are the criteria and requirements set out in the relevant policies justified and effective; and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

The parish council's response to this question is divided into three parts:

1. Is the site's allocation soundly based?
2. Are the criteria and requirements set out in the relevant policies justified and effective?
3. Is there evidence that the development of the allocations is viable and deliverable?

Is the site's allocation soundly based?

- 1.1 The parish council does not consider that the allocation of site LA048 Land south of Wattisham Road, Bildeston is soundly based. This section assesses the allocation of the site using the four tests for soundness set out in the NPPF i.e. whether the plan is:
 - a) Positively prepared;
 - b) Justified;
 - c) Effective; and
 - d) Consistent with national policy.
- 1.2 The parish council does not believe that the allocation of the site is **justified, effective or consistent with national policy**. Our response to each is set out below.

Is the allocation justified?

- 1.3 The parish council considers that the allocation of the site LA0048 is not sound because the inclusion of the site is not justified.
- 1.4 On issues of heritage, flooding, landscape and, most critically, transport and safety, the plan making process has not adequately assessed the site's constraints. Whilst a high level appraisal is appropriate in the early stages of plan development, more detailed assessment of site suitability is crucial at the latter stages in order to understand the impacts of development upon the local area. The NPPF states that local plans should be "*underpinned by relevant and up-to-date evidence*" (paragraph 31). The evidence base to support the allocation of this site is deficient and woefully inadequate. The councils have taken a disproportionate high-level approach, and this is not sufficiently robust given the very serious implications for public safety, local heritage, landscape and flood risk.
- 1.5 The requirement for further investigation is acknowledged Paragraph 2.16 of the Strategic Housing and Economic Land Availability Assessment (SHELAA). Whilst sites assessed as 'amber' against any constraint were considered potentially suitable, they "*would almost inevitably require a more detailed assessment before they could be confirmed as suitable for Joint Local Plan allocation*" (SHELAA; page 12). However in the case of site LA048, where assessment has taken place this has been a desk-top exercise, with no detailed, accurate and realistic analysis of issues.

Highway safety

- 1.6 In terms of transport and access, paragraph 102 of the NPPF states that "*Transport issues should be considered from the earliest stages of plan-making and development proposals*". This has not been the case at Bildeston, where the site has been included as an allocation without adequate consideration of the transport constraints, ignoring Bildeston Parish Council's previous concerns and comments.
- 1.7 The Infrastructure Delivery Plan (September 2020) includes a reference to the need for some mitigation – "*The carriageway needs to be widened and a footway required for this site. This should link to the existing footway network, providing a safe route to school.*" (Table 21). However this relates to land on Wattisham Road immediately opposite the site, and does not address the conflict that will arise between pedestrians and traffic in the village centre where space is significantly constrained.
- 1.8 The site's assessment summary in the SHELAA states that this site is potentially suitable for development, but a number of considerations would require further investigation, including "*Highways - regarding access, footpaths and infrastructure requirements.*" (SHELAA; page 66). However, there is no evidence that any subsequent detailed assessment of the transport and access constraints was ever completed to support the site's inclusion in the draft JLP.

Local heritage

- 1.9 In addition to highways safety, the parish council believes that in the allocation of site LA048, the councils have failed to consider the effect of the development on the local environment, in particular the Conservation Area, and the allocation is not justified. While it is understood the proposed allocation is located a short distance from the village centre,

the SHELAA identifies that development will have potential impact upon the Conservation Area (SHELAA; page 66).

- 1.10 Despite this acknowledgement, this issue does not seem to have been subsequently assessed. There is no evidence that the local authority has considered the effect of the increased traffic within the Conservation Area. Therefore the local plan fails the test of soundness because there is no evidence base available that can demonstrate the effect of the development on the local heritage.

Flood risk

- 1.11 Similarly, there are omissions in the assessment of flood risk. Previously, Bildeston Parish Council has expressed concern regarding the flood risk at the site, and the surface water drainage issues that need to be adequately considered before the site can be allocated. Diverting run off may lead to flooding issues elsewhere in the village, and there are capacity concerns which will be exacerbated by the committed development at land east of Artiss Close and Rotheram Road (planning application ref: B/15/01433) which is not yet under construction. Extensive ground works are likely to be required, but this is not highlighted in draft Policy LA048 because the necessary evidence in terms of flood risk is not available.

Local landscape

- 1.12 The Landscape Appraisal that supports the draft JLP concludes that the development of the site would have a moderate landscape sensitivity to residential development. It states that “*Sensitive features include the sloping landform, views across the site to the wider countryside and rural character with relative levels of tranquillity*” (Landscape Sensitivity Assessment of SHELAA Sites; September 2020; B52). Given the clear conclusions of the report, there is not sufficient evidence to justify the site’s inclusion in landscape terms, the JLP contains no reference to the site’s landscape setting, and mitigation measures to offset this sensitivity to development are not included within the draft Policy LA048.

Inadequate assessment of alternative sites

- 1.13 The draft JLP has not adequately considered previously promoted alternative sites, which would provide additional housing in a more sustainable locations, with significantly less adverse effects on the local transport network, safety and the local environment. Site SS0213 land north of Bildeston Road and west of High Street, Bildeston is a partially brownfield site. There are many benefits to bringing this site forward in preference to Site LA048; these are discussed in more detail in the parish council’s Regulation 19 representation.
- 1.14 In summary, the evidence base supporting the local plan allocation is inadequate and incomplete, the draft JLP has not adequately assessed the highway, safety and environmental impacts of the proposed development on the village and mitigation strategies have not been adequately tested. The allocation of site LA0048 is therefore not justified.

Is the allocation effective?

- 1.15 The development of the site will not be viable because of the scale of infrastructure required to ensure that adverse transport and safety implications are adequately addressed. On this basis the plan is not effective.

- 1.16 The recent consultation draft of the NPPF places increased emphasises the importance of ensuring that plans include sufficient infrastructure to manage development proposed “*all plans should promote a sustainable pattern of development that seeks toalign growth and infrastructure...*” (paragraph 11, Jan 2020). As set out in the Transport Technical Note prepared by Ayen Consulting that accompanied the Regulation 19 representation, a significant upgrade to the B1115 High Street/Wattisham Road junction is required in order to mitigate against the increased conflict which will arise from the additional vehicular/pedestrian movements associated with the development (TN; paragraph 7.11). The Technical Note indicates that this would include footpath widening and junction visibility improvements, which would necessitate the compulsory purchase of 138 /140 High Street, located on the southern corner of the junction (TN; paragraph 3.25 and Appendix C figures H-L). However this is a prominent Grade 2 listed building and given its importance within the streetscape, and its location within the Conservation Area, it is doubtful whether this is a reasonable option.
- 1.17 Notwithstanding this significant constraint, there would be prohibitive costs associated with making the necessary upgrades to the junction, namely the compulsory purchase of the listed building, pavement realignment and road widening.
- 1.18 No assessment of the likely costs has been undertaken, but given the scale of the development proposed at the site, it is unlikely that the development will be able to fund the necessary improvements, and there is no evidence that the council has considered the requirements and whether it would be prepared to assist.
- 1.19 In summary, the JLP is not effective, because it relies upon the development of site LA048 which is not deliverable.

Not consistent with national policy

- 1.20 In considering the test for soundness, the parish council consider that the allocation of the site is not consistent with national policy.

Highway safety

- 1.21 The parish council’s principle concern relates to the transport and safety implications of the allocation of the site on the eastern edge of Bildeston village, and considers that the local authority has not prepared the plan to be consistent with the national policy on this matter. Paragraph 108 of the National Planning Policy Framework (NPPF) states that “*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that..... b) safe and suitable access to the site can be achieved for all users*”. In addition, Paragraph 109 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The importance of safe streets is also highlighted in the recently published National Design Guide (January 2021) which states that new well-designed development should promote safety and accessibility (paragraph 62).
- 1.22 The village of Bildeston is characterised by narrow streets and an extensive Conservation Area, containing many heritage buildings. There is considerable concern with the effect proposed development at LA048 will have on the junction of Wattisham Road/B1115 High Street. This junction is an important intersection in the village. It is used by



pedestrians from the existing residential development on Wattisham Road, and by those from the north of the village, to access the school and local services in the village centre. However the JLP fails to comply with Government policy, notably the NPPF, in adequately ensuring highway safety for road users.

Conservation and heritage

- 1.23 A further key concern is the effect the development will have on the Conservation Area in the village centre, in particular, an increase in traffic within this area of the village would have an adverse effect on the historic core.
- 1.24 The Government is committed, in the NPPF, to applying great weight to the conservation of heritage assets and the need to consider potential impacts of development upon that asset (paragraphs 193 – 196). The Planning White Paper, which was published in August 2020, reinforces the Government’s commitment to safeguarding cultural and environmental resources by identifying a category of land, “Protect”, where development should be subject to stringent controls. The Draft NPPF which was published for consultation in January 2021 strengthens planning’s role in conservation, so that there is an objective to “*protect and enhance our natural, built and historic environment*” (paragraph 8(c)) rather than to simply “contribute” to its protection, as the current wording states.
- 1.25 However, despite clear policy direction, there is no evidence that the local authority has considered the effect of the increased traffic within the Conservation Area.

Viability and deliverability

- 1.26 A key tenet of national policy is the requirement for local authorities to demonstrate a five year supply of deliverable housing sites. Annex 2 of the NPPF states that “*To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years*” (Page 66). The allocation of this site does not comply with this requirement.
- 1.27 Paragraph 108 of the NPPF states that “*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that..... c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*”.
- 1.28 The physical constraints at the High Street/Wattisham Road junction, the presence of an important listed building within a Conservation Area and the costs associated with the realignment of the junction, which would require a Compulsory Purchase Order (CPO), mean that this allocation is unviable. This is notwithstanding the other infrastructure requirements that will be necessary, for example in relation to flooding, planning obligations and contributions towards health, education and libraries. The allocation of this site therefore does not comply with the NPPF in terms of ensuring developments are deliverable and viable.

Lack of evidence

- 1.29 The allocation of the site does not follow the requirements of the NPPF set out in paragraph 31 which states that the preparation of plans should be “*underpinned by relevant and up-to-date evidence*”. The allocation of the site is not adequately justified by proportionate evidence. The council’s assessment of this is, for conciseness, not repeated here, but



discussed in more detail below in paragraphs 1.3 – 1.13 above, with further evidence supplied in the parish council's Regulation 19 consultation submission. However the lack of justification is clearly also a lack of consistency with paragraph 31, and therefore the allocation is not consistent with national policy.

Are the criteria and requirements set out in the policy justified and effective?

- 1.30 As argued above, the premise of the site's allocation is not sound. The parish council would like this allocation removed from the draft plan.

Is there evidence that the development of the allocation is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

- 1.31 The housing trajectory set out in Appendix 01 of the JLP estimates that 75 homes will come forward on this site between 2025 and 2028. It is considered that given the significant mitigation measures required in order to ensure that proposals are acceptable in policy terms, this level of development will be challenging, as will the timescales.

2 Question 9.2: Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?

- 2.1 Not relevant at Bildeston

3 Question 9.3: Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

- 3.1 Not relevant at Bildeston.

4 Question 9.4: Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?

- 4.1 Not relevant at Bildeston.

5. Question 9.5: Is the “contributions to the satisfaction of the LPA, towards....xxxx” wording use in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?

- 5.1 No comment

6. Question 9.6: Are the settlement boundaries as shown on the policies map justified and effective?

- 6.1 The settlement boundaries as shown on the policies map are not justified or effective. At Bildeston, the settlement boundary has been drawn to include site LA048. However the eastern edge of the site is a seemingly arbitrary boundary, which does not follow any field

line or line of vegetation, and leaves the site exposed and vulnerable to further encroachment of development eastwards into the countryside over time. The boundary will instead create an abrupt edge to the village, which will be visible from the surrounding countryside, particularly from the B1078 and Great Copt Hall, a listed building to the south. There is no commentary to explain why this approach to the settlement boundary was taken, and the decision to follow any feature on the ground to create a defensible edge to the village is poor planning practice.

- 6.2 The settlement boundary does include land available for development to the south west of the village. This predominantly brownfield site was promoted in the SHLAA (site ref SS0213) and would provide up to 35 dwellings well-connected to the village centre, primary school and other services and facilities, and minimise traffic impact on the High Street. However, the inclusion of the wider site, rather than simply the brownfield element known as Taylor's Garage, would result in a far more appropriate edge to the village, which would be defended by the watercourse and mature vegetation to the west.

Conclusion

The parish council considers, for the reasons outlined above, that the allocation of site LA048 Land south of Wattisham Road, Bildeston is not sound, and therefore should be removed from the draft JLP.