



Appeal Decision

Inquiry opened on 1 April 2025

Site visit made on 3 April 2025

by Lesley Coffey BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2025

Appeal Ref: APP/F3545/W/24/3355633

Land off Newmarket Road, Bury St Edmunds, IP33 3YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Pigeon against the decision of West Suffolk Council.
 - The application Ref is DC/24/0659/HYB.
 - The development proposed is a hybrid planning application for:
 - a) Full planning application for the construction of new junction works with Newmarket Road and construction of associated adjacent drainage basin; and
 - b) Outline planning application for the construction of a relief road and up to 485 dwellings including provision of pedestrian and cycle connections, open space, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for:
 - a) Full planning application the construction of new junction works with Newmarket Road and construction of associated adjacent drainage basin; and
 - b) Outline planning application for the construction of a relief road and up to 485 dwellings, including provision of pedestrian and cycle connections, open space, landscaping and associated infrastructure at Land off Newmarket Road, Bury St Edmunds, IP33 3YD in accordance with the terms of the application, Ref DC/24/0659/HYB, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is in relation to a hybrid planning application. The full application is for the construction of new junction works with Newmarket Road and the associated drainage basin. The outline application relates to the construction of a partial relief road and up to 485 dwellings including the provision of pedestrian and cycle connections, open space, landscaping and associated infrastructure. The proposals were amended to include the provision of Suitable Alternative Natural Greenspace (SANG) to address the concerns of Natural England in relation to the Breckland Special Protection Area. I have taken this revision into account in reaching my decision.
3. The application was refused by the Council on 24 October 2024 for 10 reasons. The updated Overarching Statement of Common Ground (SoCG), confirms that the LPA have withdrawn all of its reasons for refusal on the basis that the changes

submitted and agreed by the Appellant would provide a scheme that, when viewed as a whole and applying the planning balance, is acceptable in planning terms.¹

4. Within the original overarching SoCG, the LPA confirmed that they had withdrawn their objections based on Reasons for refusal 1, 8, 9 and 7, save for insofar as it related to the impact if the proposal on the Breckland Special Protection Area (SPA) and the accuracy of the information provided for the Biodiversity Net Gain baseline plan.²
5. The second reason for refusal related to highway capacity and safety issues, as well as the requirement to provide the relief road. Following additional information from the Appellant and agreements in relation to the provision and funding of the relief road, the Local Planning Authority withdrew the second reason for refusal. Following receipt of the Supplemental SoCG on Transport and Highway matters agreed between Suffolk County Council (SCC) and the Appellant and the withdrawal of the objection by National Highways, the Local Planning Authority withdrew its objection in respect of the second reason for refusal on 27 March 2025.
6. The third reason for refusal concerned the design of the relief road. The parties agree that a planning condition that secures a minimum of 5m landscaping either side of the relief road would overcome the Council's objection. On the eastern side of the road this would enable the delivery of a line of trees situated centrally within a 5-metre strip of land. The 1 metre services strip agreed within the SoCG would allow for the 2 metre footway to potentially become a 3 metre wide cycleway in the future. On this basis the Local Planning Authority withdrew the third reason for refusal.
7. The fourth reason for refusal alleged that the application made inadequate provision for sustainable transport. The Appellant has agreed to fund off-site active travel enhancements agreed with SCC. Additionally, the Appellant undertakes to provide a new link to Saxham Bridleway 1. Whilst the provision of that link is primarily for ecological mitigation, the Local Planning Authority recognises that it would provide important active travel benefits and has withdrawn the fourth reason for refusal.
8. The fifth reason for refusal alleged that the the proposal had not demonstrated that it would deliver good design and sufficient landscaping, and also that density of the proposal would be inappropriate relative to the Westley Estate. In light of the other amendments to the scheme the Local Planning Authority withdrew the fifth reason for refusal.
9. The sixth reason for refusal stated that the proposal had failed to demonstrate that it would not have a harmful effect on the surrounding landscape. The Local Planning Authority consider that the additional landscaping secured on either side of the relief road would largely overcome this reason for refusal and the wider landscape proposals are a matter for future reserved matters applications.
10. The seventh reason for refusal concerned the potential impacts on the Breckland SPA and Biodiversity Net Gain (BNG). The proposal now includes the provision of off-site SANG. The Local Planning Authority is satisfied that this would adequately

¹ Submitted 31 March 2025

² CD8.1

address the seventh reason for refusal, and that matters in relation to BNG and the Breckland SPA could be secured by way of planning conditions.

11. The tenth reason for refusal relates to the absence of a s106 agreement to secure financial contributions towards infrastructure improvements and affordable housing. A s106 agreement has now been agreed by the parties. And the Local Planning Authority withdrew its tenth reason for refusal.
12. Suffolk County Council was a Rule 6(6) part in relation to the appeal.
13. A planning agreement and a Unilateral Undertaking (UU) on under s106 of the Act were submitted to the Inquiry and these are discussed below.

Main Issues

14. In the light of the Council's decision to withdraw its reasons for refusal and the agreement between the parties that the appeal should be allowed, I consider the main issue to be whether the proposal would comply with the development plan, and whether there are any material considerations to justify a decision other than in accordance with the development plan.

Reasons

15. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, alongside the Joint Development Management Policies Document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. This appeal therefore falls to be considered with reference to policies set out in the plans produced by the former St Edmundsbury Borough Council.
16. As such, the development plan includes:
 - St Edmundsbury Core Strategy (2010) (CD4.3)
 - Joint Development Plan Policies Document (2015) (CD4.5)
 - The Bury St Edmunds Vision 2031 document (2014) (CD4.6)
 - St Edmundsbury Borough Council Local Plan Policies Map (2015) (CD4.7)
17. The emerging plan, the West Suffolk Local Plan, was submitted to the Secretary of State for examination on 24 May 2024. The Local Plan examination hearings took place between 5 November and 11 December 2024. The Inspectors wrote to the Council on 9 January 2025 asking for the main modifications to be prepared along with updated sustainability appraisal and Habitat Regulations Assessment reports. Consultation on the main modifications to the local plan was on-going at the time of the Inquiry. The Council anticipate that the emerging plan will be adopted in July 2025. The emerging plan is a material consideration in respect of this appeal. Paragraph 49 of the National Planning Policy Framework (the Framework) sets out the weight to be accorded to the relevant policies in the merging plan.

Principle of development

18. The appeal site is one of the Council's five strategic residential allocations around Bury St Edmunds within the Core Strategy and the Joint Development Plan Policies Document.
19. Core Strategy Policy CS1 sets out the spatial strategy for St Edmundsbury. It states that Bury St Edmunds and Haverhill will be the main focus for the location of new development. It also requires all growth around Bury St Edmunds and Haverhill to protect the identity of the villages that surround the towns and to provide strategic landscaped buffers where necessary to ensure that these villages do not become part of the larger urban area.
20. Policy CS11 states that the release of strategic greenfield sites will have regard to the spatial strategy in CS1 and the need to ensure that all essential infrastructure is in place before any development is occupied, or as required by the local planning authority. Amongst other matters, Policy CS11 requires the development of Bury West (the site allocation) to maintain the identity and segregation of Westley; provide new high quality public open space and recreation facilities between the development and Westley; provide traffic relief for Westley in the form of a relief road to the east of the village; deliver around 450 homes of mixed tenure and size, including affordable homes; and provide improved public transport, foot and cycle links to the town centre and other locally significant leisure, employment and service destinations.
21. Policy BV5 of the Vision 2031 (CD 4.6) identifies 54.3 ha of land at West Bury St Edmunds, as set out on the Policies Map, for development in accordance with the provisions of Policy CS11 of the Core Strategy. The policies map shows the broad alignment of the relief road.
22. The site allocation has been taken forward into a larger residential allocation, for 600 dwellings in the recently examined Draft Local Plan. I therefore conclude that the principle of development is acceptable and would comply with Core Strategy Policies CS1 and CS11, the Joint Development Plan Policies Document and the adopted Policies Map.

The Relief Road and Highway Matters

23. At the time of the application the Highway Authority considered that there was insufficient evidence to demonstrate that the appeal proposals would not have an unacceptable impact on highway safety or give rise to severe residual cumulative impacts on the highway network. It was also considered that appropriate opportunities to promote sustainable transport modes had not been taken up. The parties have continued to work together to narrow their differences, and the Appellant submitted additional information, including traffic modelling, and a planning obligation.
24. Subject to the completion of the planning obligations and the imposition of suitable conditions, SCC (the Highway Authority), the Appellant and the Local Planning Authority all concur that the traffic generated by the scheme could be accommodated on the existing highway network, without the need for the entirety of the relief road to be delivered. It is agreed that there will not be capacity issues in respect of Newmarket Road or junction 42 of the A14. National Highways also

agree with this position. No issues are raised in terms of highway safety by the Highway Authority.

25. The Appellant covenants to transfer to the County Council the land within its ownership on which the relief road would be constructed. This includes both the land for the northern section of the road which will provide the proposed development with access to Newmarket Road and the central section of the road which comprises the remainder of the route lying within the Appellant's ownership. The Appellant also proposes to construct the northern section of the relief road necessary to provide access to Newmarket Rd and subsequently the central section of the road.
26. In addition, the Appellant undertakes to contribute £3.2 million towards the acquisition and provision of the relief road by the County Council of the land required for the remaining southern section of the relief road which lies outside of the appeal site.
27. Core Strategy policy CS11 requires proposals on the allocated site to deliver traffic relief for Westley by way of a relief road to the east of the village, whilst Core Strategy policy CS14 requires proposals to provide the necessary on and off site infrastructure and to mitigate any impacts on existing infrastructure. As set out above the parties agree that traffic from the Appeal Scheme does not give rise to a need for the relief road in order for the Appeal Scheme to be acceptable in highways terms. Policy AP4 of the emerging Local Plan requires a distributor road to connect Newmarket Road to the north with Westley Lane to the south. It advises that the masterplan will address the route of the distributor road, together with its delivery and appropriate traffic mitigation measures in Westley.
28. The proposed development would accommodate and facilitate the delivery of the relief road within the site, and make provision for that part that falls outside of the appeal site. It would therefore fully comply with the extant development plan and the emerging Local Plan.
29. The SoCG between the Highway Authority and the Appellant sets out a range of sustainable transport measures to encourage active travel, as well as a financial contribution to pump prime a Bus Service or a condition requiring a new bus service to be delivered (30 minute frequency 7 days a week), The proposed development would comply with Core Strategy Policy CS7 that seeks to promote sustainable transport.

Character and Appearance

30. The parties agree that the Landscape and Visual Assessment (LVIA) has been undertaken following the guidelines of GLVIA3 (Guidelines for Landscape and Visual Impact Assessment, 3rd Edition). The viewpoints included in the Appellant's LVIA are sufficient to assess the visual effects of the appeal scheme.
31. There would be a loss of open agricultural land on the appeal site, together with some hedgerows and trees. The LVIA submitted with the planning application identified limited and localised harm in landscape and visual terms, due to the greenfield character of the appeal site.
32. The proposed 5 metre landscape strip on both the eastern and western sides of the relief road would provide for landscaping between the relief road and Westley

village. Both the Council and the Appellant agree on this basis that there will be no material harm in landscape or visual terms and that there would be a net gain in landscape features with new landscape resource comprising trees, hedges, public open space, new habitat, amenity areas and buffers. Overall, the proposed development would result in a positive net benefit in terms of landscape character.

33. It is agreed that the visual effects of the proposed development on the local area is limited and localised as set out in the LVIA. Moreover, the visual effects on the Special Landscape Area to the south of the site, are limited by the existing linear wooded belt that follows the southern site boundary.
34. The Council was concerned that the density of the proposal may exceed that that of the Westley Estate. The proposal is for up to 485 dwellings and the layout of the development including its density would be a reserved matter. In my experience the density of a proposal is an imprecise measure of its impact on character and appearance. The overall layout of the proposal including its relationship with the surrounding area, as well as the massing and typology of the proposed dwellings provide a better indication of the impact of a development on the character and appearance of its surroundings. The appearance, landscaping, layout, and scale of the proposed development are all reserved matters and the Council agrees that the character and appearance of the proposed development should not be a reason for refusal.
35. I therefore conclude that the proposal would comply with Policies DM2, DM13 and DM22 of the Joint Development Plan Policies Document. Together these policies seek a high quality of design and minimise any harm to the locally distinctive character.

Ecology

36. Horringer Court Caves SSSI and Glen Chalk Caves SSSI are designated for hibernating bats. Natural England advise that the appeal site is of local value for bats and that there will be no impacts to Horringer Court Caves SSSI and Glen Chalk Caves SSSI.
37. There would be some loss of skylark territories on the appeal site. However, off-site provision of skylark plots would increase the carrying capacity of the farmland. Scrub within the on-site landscaping would be managed to provide potential nesting habitat for linnets and whitethroat. This mitigation is secured by the UU and the parties agree that the impacts of the proposed development on farmland birds, including skylarks, would be adequately mitigated.
38. The parties disagree as to the baseline value of the appeal site for the assessment of biodiversity net gain. However, the scheme has subsequently been amended to provide a SANG and the Council agree that regardless of the existing baseline, that 10% BNG can be secured across the appeal site and the SANG provision west of Fornham Lane.

Breckland Special Protection Area (SPA)

39. The Council and the Appellant agree that there would be no adverse impact on the Breckland SPA. The Appellant confirms that in addition to the 5 hectares of SANG provided on the appeal site, provision is made for up to 13 hectares of SANG close by, at a location readily accessible to residents of the future development.

40. Natural England was consulted on the proposed provision and confirmed that these mitigation measures would be sufficient to avoid an adverse impact on the integrity of the Breckland SPA in relation to its specified qualifying features. Natural England also confirmed that it concurred with the conclusions provided in the Appellant's shadow Habitats Regulation Assessment.
41. I conclude that the proposed development would be acceptable in terms of its impact on biodiversity and would deliver an acceptable level of BNG. It would also comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies Document that seek to avoid any harm to biodiversity, or if that is not achievable to mitigate any harm or as a last resort to compensate for harm.

Housing Land Supply

42. The parties agree that the Council cannot show a five year housing land supply, although the precise extent of the shortfall is not agreed. The Appellant suggests that there is a 2.8 year housing land supply, whilst the Council believes the figure to be 3.6 years. Notwithstanding this, both the Council and the Appellant agree that the shortfall is substantial, and for this reason, it is not necessary to assess the precise figure.

Other Matters

Appropriate Assessment

43. The Habitats Regulations (the Regulations) require that if likely significant effects on a European site cannot be excluded, permission may only be granted after having ascertained that it would not affect the integrity of the site either alone or in combination with other plans or projects. If adverse effects on the integrity of the protected site cannot be excluded on the basis of objective scientific evidence, then it must be assumed that they will occur. However, this is an outline application, and my assessment should be proportionate to the amount of evidence before me.
44. The Breckland SPA is designated for Stone curlew, woodlark and nightjar which are of national importance. Stone Curlew establishes nests on open ground provided by arable cultivation in the spring, while Woodlark and Nightjar breed in recently felled areas and open heath areas within the conifer plantations.
45. The conservation objectives include, ensuring that the integrity of the site is maintained or restored as appropriate, and ensuring that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution of the habitats of the qualifying features and the structure and function of the habitats of the qualifying features.
46. Core Strategy Policy CS2 aims to identify, protect and conserve a network of designated sites including the Breckland SPA. The supporting text to the Policy states that the Habitats Regulations Assessment Screening for the Local Plan shows that the broad locations for growth, identified in policies CS11 and CS12, are not likely to have significant effects on the European sites. In order to ensure that the Core Strategy is not likely to have a significant effect on the interest features of the SPA it identifies a 1,500m buffer zone from the edge of those parts of the SPA that support or are capable of supporting stone curlews and a 400m

buffer zone from the edge of those parts of the SPA that support or are capable of supporting nightjar or woodlark, where development will not be allowed in order to protect the integrity of the SPA.

47. Policy SP7 of the emerging Local Plan states that all development that leads to a net increase in built development within Breckland SPA or within a 1500 metre (primary) buffer of component parts of Breckland SPA which support or are capable of supporting Stone Curlew, as shown on the policies map, has the potential for 'likely significant effects' on Breckland SPA alone or in-combination with other developments.
48. Policy SP8 states that all new development which would result in a net increase in dwellings and therefore likely to increase recreational pressure on any European or nationally designated site for nature conservation, will be required to demonstrate that adequate measures are put in place to avoid or mitigate potential adverse effects.
49. The proposed development would be not result in the direct loss or any physical damage to the Breckland SPA and SAC features and no functionally linked habitat is believed to be present in the vicinity.
50. During construction, machinery and works would generate noise, light and dust. The site is separated from the Breckland SPA by the A14 and by substantial distances. The proximity of other residential areas to the site means that levels of construction disturbance would by necessity be low to avoid impacts on these residential receptors.
51. During occupation, distance is likely to severely limit the extent to which general urban edge effects would impact sites. The distance is too great for noise and light to carry, with intervening land and the A14 further limiting any such disturbance. More causal activities such as vandalism and arson are likewise unlikely and would fall under the wider remit of recreational disturbance.
52. Wastewater treatment will be at Fornham All Saints discharging to the River Lark. The River Lark flows through the Breckland SPA and SAC. These are about 7 km and 12km downstream of the treatment works. The River Lark ultimately flows to The Wash (which has multiple Ramsar and Nature Directive designations) but without passing through any other Ramsar / Nature Directives sites enroute.
53. The Breckland SPA and SAC Site Improvement Plan (Natural England, 201512) includes water pollution as a priority and issue for naturally nutrient-rich lakes or lochs which are often dominated by pondweed. The qualifying habitats are the 'Breckland meres'. SSSIs in close proximity (0.5km) of the River Lark do not include these as citation features.
54. Modelling of traffic levels on local roads concluded that a net improvement in NOx concentrations and nitrogen deposition rates are forecast by 2031, even allowing for total traffic growth 'in combination', due to the expected improvement in vehicle nitrogen dioxide emission factors over the same time period. Therefore the pathways in relation to construction, occupation and the water environment can all be screened out.
55. The proposed development is for 485 dwellings and would have an estimated 1,116 residents. The Local Plan HRA states that survey work identified that

Breckland SPA/SAC has a core recreational catchment area of (26.3m). This is a significant increase from the previous recreational core catchment of 7.5km derived from visitor surveys undertaken in 2010. The HRA states that the 26.3km figure is from more recent data, with surveys undertaken in 2015 and 2016. It included more locations, and the surveys were timed to coincide with the bird breeding season. It is this figure that has been included in the West Suffolk Recreational Disturbance Avoidance and Mitigation Study that is intended to underpin a strategic strategy for the management and mitigation of recreational disturbance.

56. It is not a matter for this appeal to determine the appropriate zone of influence for recreational disturbance to the Breckland SPA/SAC. Nevertheless, the Habitat Regulations require me to take a precautionary approach. I acknowledge that the 26.3km figure is not referenced in Policies SP7 or SP8 of the emerging Local Plan, however in the absence of any undisputed evidence to the contrary, and having regard to the precautionary principle, I conclude that a likely significant effect on the habitats of the Breckland SPA due to recreational disturbance cannot be ruled out.
57. The appellant states that Natural England advises that for larger residential allocations, specific avoidance or mitigation measures may be successfully implemented via site specific local plan policies. It contends that this would be more proportionate to the level of risk posed by the plan growth. Although emerging plan Policy AP4 requires development to mitigate for its recreational effects on designated sites of nature conservation interest in accordance with Policy SP8, I do not consider this to be sufficiently precise as to avoid the need for an appropriate assessment.
58. The proposed mitigation includes two areas of open space. A 6ha area of open space to the south-west of the site could accommodate a walking route of 1.5km within an area with a naturalistic character. A further area of informal greenspace is proposed within a 5 minute walk of the site. This would be at least 8.85ha in area. It would include self-contained walking routes in excess of 2.7km and would be designed according to the SANG guidance intended to provide avoidance measures for the potential impact of residential development by preventing an increase in visitor pressure on the Breckland SPA and SAC.
59. In addition, other open space areas would be distributed through the proposed development and provide spaces in close proximity to all residential areas. Measures such as leaflets within homebuyer packs, signage and dog waste bins would be provided.
60. Natural England confirms that these measures are sufficient to rule out an adverse effect to Breckland SAC and Breckland SPA with regard to recreational disturbance impacts, subject to the proposed measures being secured in perpetuity for the lifetime of the development through a suitable obligation or legal requirement, as part of any planning permission granted.
61. A comprehensive suite of mitigation measures would be provided and secured by planning obligations and suitable conditions. I therefore conclude that the proposed development would not impact on the integrity of the Breckland SPA or the Breckland SAC, either alone, or in combination with other projects.

Planning Obligations

62. The Appellant submitted an agreement under s106 of the Town and Country Planning Act 1990, together with a UU in respect of Skylarks. Both were dated 17 April 2025. An updated CIL compliance statement was submitted following the close of the Inquiry.
63. Regulation 122(2) of the Community Infrastructure Regulations 2010 requires planning obligations to be :
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
64. I have assessed the planning obligations having regard to the Regulation 122(2) tests, paragraph 58 of the Framework and West Suffolk Council's and Suffolk County Council's CIL compliance statements. The planning obligations are unconditional, but they can only be a reason for granting planning permission if they comply with the Regulation 122(2) tests.
65. The obligations within the planning agreement include the delivery of affordable housing, as well as financial contributions toward the NHS, fitness, swimming pool and football pitches³, a recreational access management and monitoring fee to mitigate the impact of the proposed development on the Breckland SPA (SAMM), early years, education contributions, highways, libraries, travel plan monitoring and waste. It also undertakes to transfer the early years land and includes obligations in relation to the relief road. West Suffolk Council and Suffolk County Council covenant to use the contributions for the purposes intended.
66. The proposed development would deliver 33 percent of the dwellings as affordable homes in accordance with Core Strategy policy CS5.
67. The s106 agreement covenants to pay a NHS healthcare contribution to expand capacity at two existing GP surgeries in order to accommodate additional patients from the proposed development. This contribution was requested by the Suffolk and North East Essex Integrated Care Board and the justification for the sum requested is explained in the CIL compliance statement.
68. The recreational access management and monitoring fee is necessary to mitigate the impact of the proposed development on the Breckland SPA. It is consistent with Policy AP4 of the emerging Local Plan.
69. The s106 agreement includes a contribution towards built facilities for sport, including a swimming pool and health and fitness facilities. The CIL compliance statement confirms that the swimming pools at Bury St Edmunds have spare capacity, although there is a need for 4 additional lanes across West Suffolk. The West Suffolk Council Sports Facilities Assessment (March 2022) reflects this position. At the Inquiry the Council explained that it was intended to relocate the existing Bury St Edmunds Leisure Centre to a site on Western Way. Notwithstanding this, there is insufficient evidence for me to conclude that there is

³ Described as public open space in the S106

- a need for additional swimming facilities to meet the demand arising from the development.
70. The Council seeks a financial contribution for a further 98 fitness stations. The West Suffolk Council Sports Facilities Assessment March 2022 states that there is existing spare capacity of 61 stations during the peak period within the Bury St Edmunds sub area. It advises that in order to accommodate future growth an additional 46 stations would be required by 2040, or 98 stations if the higher growth figure is met. The submitted evidence indicates that the financial contribution sought by the Council represents the total demand across the Bury St Edmunds sub area arising from the higher growth figure. I therefore am unable to conclude that the contributions sought by the Council in respect is fair and reasonably related in scale to the proposed development.
 71. The Playing Pitch and Outdoor Sports Facilities Assessment February 2022 identifies a significant shortfall in football pitch provision within the Bury St Edmunds sub area. On this basis, a contribution is justified, however, the submitted evidence does not indicate how the sum sought is calculated, and therefore I am unable to conclude that it is fairly and reasonably related in scale and kind to the development.
 72. The monitoring fee sought by the West Suffolk Council is necessary to ensure that the obligations are complied with/delivered and based on the submitted information I am satisfied that it would comply with Regulation 122.
 73. The Appellant agrees to transfer the Early Years Land to the County Council and to pay the Early Years and Education contributions on a phased basis.
 74. The parties agree the adopted SCC Developers Guide to Infrastructure Contributions in Suffolk Topic Paper on Early Years and Childcare states in paragraph 7.1.4; *“Where a development proposal is anticipated to create over 20 full time equivalent places, then a new provision will be sought. This will include the land and the construction of suitable premises for a new provision”*. In addition, Appendix 8 of the Bury St Edmunds Vision 2031 identifies the area to the West of Bury St Edmunds for development that; *“delivers additional education, community and leisure facilities to meet the needs of this development”*.
 75. The local schools within a safe-walking distance of the appeal site include Sexton’s Manor Community Primary School (nearest primary school) and St Edmundsbury Church of England Voluntary Aided Primary School – the forecasts demonstrate a shortfall of places to accommodate the pupils arising from the Proposed Development. The schools will need to be expanded, enhanced and improved to accommodate the primary-age pupils arising. The contribution will be used for the improvement and enhancement (including increasing the pupil admission number) of primary school provision at the local schools serving the Proposed Development. It has been calculated on a pro-rata basis using the Department for Education guidance.
 76. The secondary school contribution is required towards the forward funding costs of expanding the Sybil Andrews Academy, which opened in 2016 but was master-planned and funded to accommodate up to 1,200 pupils because of the housing development expected to be delivered through the Bury St Edmunds Vision 2031 document. SCC used borrowings towards the phase 2 & 3 expansion but some of the cost of core facilities e.g., the sports hall which is also associated with

expansions was met through the initial project. A pro rata contribution is sought based on the pupil yield of the development and the building cost for Sybil Andrews School.

77. The library contribution is necessary to meet the social, recreational and cultural needs for library services. It will be used to improve the fabric of the Bury St Edmunds library since the building cannot be enlarged. It was calculated in accordance with The Section 106 Developers Guide to Infrastructure Contributions in Suffolk [2012] including the Libraries and Archives Infrastructure Provision topic paper [updated 2014].
78. Both the Waste Transfer Station and the Recycling Station were designed to incorporate the expected demand arising from the increased number of dwellings in the adopted Bury Vision 2031 Local Plan. The contribution is based on a pro rata cost.
79. An active travel contribution is required to fund a range of projects and improvements to footpaths and cycleways in accordance with Core Strategy policies CS1, Policy CS2, Policy CS7, Policy CS8, Policy CS11, and Policy CS14. The passenger transport contribution has been calculated based on the cost of funding bus services for a minimum 6-year period less the anticipated income the services would generate throughout the period.
80. A Speed Management Contribution towards a Traffic Regulation Order at Newmarket Road and Westley Road is necessary in the interest of highway safety. The Travel Plan monitoring contribution is necessary in order to ensure that sustainable travel measures are delivered and effective.
81. The relief road is required to facilitate emerging Local Plan growth to avoid a severe impact on the local highway network within Bury St Edmunds. Policy CS11 anticipates about 450 homes and a sub-regional health campus for the relocation of the West Suffolk Hospital. The hospital identified an alternative site at Hardwick Manor for which outline planning permission was approved in 2022. Therefore, the allocation is no longer required for this purpose.
82. The site is also allocated for housing in the emerging Local Plan AP4. AP4 anticipates around 600 homes and a distributor road linking Westley Road to Newmarket Road. It states that the masterplan will need to address the full nature and route of the distributor road, together with its delivery and appropriate traffic mitigation measures in Westley. The emerging allocation as a whole is required to provide for the distributor road. Although the emerging plan is not yet part of the development plan the failure to provide the relief road could have implications for the future growth of the Bury St Edmunds sub-area. Therefore, it is a material consideration in respect of this appeal. The provision of the relief road within the site is necessary, since the failure to provide it within the appeal site would have implications for the policies and planned growth within the emerging Local Plan.
83. I am not persuaded that the financial contribution sought by the County Council to fund the delivery of the relief road outside of the appeal site is fairly and reasonably related in scale and kind to the development. It is agreed between the parties that the relief road is not required to mitigate the traffic impacts of the development, but rather to mitigate the strategic growth within the emerging Local Plan. Whilst Policy AP4 seeks the provision of a distributor road, it also explains that the full nature and route of the distributor road, together with its delivery and

appropriate traffic mitigation measures in Westley will need to be addressed by the masterplan. The allocation within the emerging plan is for a greater number of dwellings than currently proposed and relates to a materially larger land allocation than the appeal site. Taking these matters together, I am unable to conclude that the financial contribution sought by SCC would comply with Regulation 122(2).

84. Overall, I conclude that the planning obligations sought by West Suffolk Council in respect of affordable housing, the NHS, the recreational access management and monitoring fee to mitigate the impact of the proposed development on the Breckland SPA are Regulation 122(2) compliant. For the reasons given above on the basis of the information submitted to the Inquiry, the contributions in relation to the swimming pool, fitness stations and playing pitches would not be CIL compliant and therefore cannot constitute a reason for granting planning permission.
85. Of the planning obligations sought by SCC, the early years provision, including the land transfer, the education contributions, the library contribution, the waste transfer station and recycling centre contribution as well as the travel plan monitoring contribution are all CIL compliant. The provision of the land for, and construction of the relief road within the site would also be CIL compliant. However, for the reasons given above, the contribution towards the construction of the part of the relief road that lies outside of the appeal site would not comply with the tests at regulation 122(2) and therefore cannot be a reason for granting planning permission.

Conditions

86. The suggested conditions were discussed at the Inquiry and revised conditions were agreed by the parties and submitted on 17 April 2025. I have assessed the suggested conditions in the light of paragraphs 56 and 57 of the Framework. In the interests of clarity I have separated the conditions into those that apply to the entire site, those that apply to the full application for the new junction works with Newmarket Road and the construction of the adjacent drainage basin and those that apply to the outline application for the residential development and the relief road.
87. Site wide conditions requiring the assessment of potential site contamination and a remediation strategy are necessary in order to safeguard human health and to protect and prevent the pollution of controlled waters.
88. An Arboricultural Method Statement, including measures for the protection of trees to be retained is necessary in order to safeguard the trees in the site and to safeguard the character and visual amenity of the area.
89. The revised ecological condition submitted by the parties included a number of measures some of which included similar matters within more than one part of the condition. I have given careful consideration to the need to safeguard and enhance biodiversity both on and off site. In the interests of clarity, I have imposed separate conditions in relation to the protection of breeding birds during construction, the Farmland bird compensation strategy required by the UU, and a bat sensitive lighting scheme. I have amended the condition in relation to the Farmland Birds compensation strategy so that the requirement for a site wide ecology strategy is consistent with the UU. I have combined the suggested condition in relation to Hopkins Ecological Assessment, the biodiversity method statement and the

biodiversity enhancement strategy into a single condition to avoid the need to submit similar information more than once.

90. Turning to the conditions in respect of the full application for the junction works and drainage basin, I have included the standard time limit and a condition requiring compliance with the approved plan. Details of the construction access, as well as the detailed design of the proposed roundabout is required in the interests of highway safety.
91. Details of the strategy for the disposal of surface water, including the implementation and management arrangements and a verification report are necessary in the interests of sustainable development and to ensure that the site can be adequately drained,
92. A Construction Surface Water Management Plan is required to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater and a Construction Method Statement is necessary to protect the amenity of occupiers of adjacent properties from noise and disturbance and in the interest of highway safety.
93. In order to assimilate the development into its surroundings and protect the character and appearance of the area a soft landscaping scheme is required. To ensure an appropriate speed limit is implemented in the interest of highway safety a reduction on the speed limit at the proposed roundabout junction is necessary.
94. Turning to the conditions in respect of the outline application I have imposed the standard conditions in relation to the statutory time limits and the submission of reserved matters. I have also included a condition requiring broad compliance with the parameter plans to define the scope and extent of the permission.
95. A site wide design code and a design code compliance statement for the outline part of the appeal site is necessary to ensure a high quality design throughout the scheme.
96. A surface water drainage scheme and verification report is necessary to prevent to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater, as well as to ensure that arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage. A foul water drainage scheme is also necessary to ensure that the proposed development can be adequately drained,
97. A written scheme of investigation is required to safeguard archaeological assets within the Site. Construction hours need to be limited to safeguard the amenities of surrounding residents. Measures to safeguard future residents from rail and road noise are necessary in order to ensure satisfactory living conditions. Details of footpaths, estate roads and cycleways are necessary in the interests of residential amenity and to maximise permeability for active modes of travel in accordance with local and national planning policies. A Travel Plan is required to support active travel and in the interests of sustainable development.
98. Details of the provision and delivery of amenity space, and play areas are necessary in order to ensure a satisfactory environment for residents. A landscape management plan is necessary to ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area. A 5 metre landscape

buffer is required along the part of the relief road within the site in order to mitigate the visual effects of the relief road on the surrounding area.

99. A Habitat Management and Monitoring Plan is required in order to ensure that the mandatory Biodiversity Net Gain is delivered. Should the development not commence in a timely manner, the approved ecological mitigation measures shall be reviewed and, where necessary, amended and updated.
100. A scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development is necessary to ensure that the proposal meets with the requirements of sustainability. For the same reason water consumption should be limited to 110 litres use per person per day. A scheme for the provision of fire hydrants is necessary to ensure the adequate supply of water for firefighting and community safety.
101. Details of the proposed affordable housing, including the tenure and location is required to ensure an appropriate mix and tenure of affordable housing is delivered on the site.
102. Full details of the proposed SANG, including any necessary planning permissions, green links to the site, management and maintenance arrangements and the delivery mechanism are necessary in order to safeguard the integrity of the Breckland SPA in accordance with the Habitats Regulations.
103. Details of the location and layout of allotments are required in order to ensure that provision is satisfactory. I have amended the requirement for 7 parking spaces, since this would equate to about 1 space per full sized allotment. Given that the allotments are intended to serve occupants of the proposed development, and the proposal seeks to encourage sustainable travel, a lower number of parking spaces is likely to be adequate.

Planning Balance

104. The principle of the development would comply with the adopted development plan. As agreed by the parties, the proposed development would not have an adverse impact on highway safety and traffic or give rise to a need for the relief road in order for the proposal to be acceptable in highways terms. There would be some limited localised harm to the character of the area, and also some limited visual harm. This would be mitigated by the landscape strategy, which the parties agree would in time provide a positive net benefit in terms of landscape character.
105. Subject to the proposed mitigation there would be no harm to the integrity of the Breckland SPA or other ecological interests.
106. The proposal would also deliver significant benefits in terms of the delivery of market and affordable housing in an area where the parties agree that there is a substantial shortfall in housing land supply. The proposal would also deliver a SANG that would be available to the wider population and deliver in excess of 10% biodiversity net gain.

Conclusion

107. Overall, I conclude that the proposed development would comply with the development plan as a whole, and would also be consistent with policies within

the emerging Local Plan. Therefore, in the absence of any material considerations to the contrary the appeal should be allowed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alexander Booth KC

He called:

John Hopkins MSc Transport and highways

Steven Kosky BA (Hons) DipTP MRTPI Planning

Dr Graham Hopkins BSc (Hons) PhD PGCE FRES CEnv MCIEEM Ecology

Niamh Hession BA (Joint Hons) Architecture and Planning, PG Dip Urban Design Design

Neil Tiley Assoc RTPI BSc (Hons)

Trevor Ivory

FOR THE LOCAL PLANNING AUTHORITY:

Ryan Kohli Counsel

He Called:

Peter White BA(Hons), MA,MBA Principal Planning Officer

Sarah Coupat BA(Hons),MLD,CMLI, Senior Landscape Consultant

Neil Harvey MCIEEM BSc(Hons) Natural Environment Manager

FOR SUFFOLK COUNTY COUNCIL

Jack Parker Counsel

He Called:

Luke Cantwell Forbes BSc Principal Transport Development Planner

Neil McManus MRICS Development Contributions Manager

Luke Barber Strategic Transport and Policy Manager

INTERESTED PARTY

Jim Sweetman Westley Parish Council

LIST OF DOCUMENTS SUBMITTED DURING INQUIRY

1.	Opening statement on behalf of Appellant
2.	Opening statement on behalf of Local Planning Authority
3.	Opening statement on behalf of Suffolk County Council
4.	Submissions on behalf of Mr Sweetman
5.	Draft S106 agreement
6.	Draft Unilateral Undertaking in respect of Farmland Birds
7.	Draft planning conditions
8.	CIL compliance statement
9.	Plan SANG 1
10.	Plan SANG 2
11.	LPA updated CIL Compliance Statement
12.	Appellant's closing submissions

Schedule of Conditions

Appeal Ref: APP/F3545/W/24/3355633

Land off Newmarket Road, Bury St Edmunds, IP33 3YD

Site Wide Planning Conditions

1. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 to 13.00 Saturdays

And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
3. Prior to commencement of development (including any demolition, groundworks and site clearance) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a) Measures for the protection of those trees and hedges on the application site that are to be retained;
 - b) Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths;
 - c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
4. Prior to or concurrent with the submission of the first of the reserved matters, a Site Wide Ecology Strategy in accordance with the submitted Unilateral Undertaking, which relates to compensation for site wide impacts to breeding Skylarks shall be submitted to and approved in writing by the local planning Authority.

The Site Wide Ecology Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery.

The Site Wide Ecology Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years.

5. Prior to submission of any reserved matters, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed through provision of appropriate lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

6. A Biodiversity Method Statement and a Biodiversity Enhancement Strategy for protected and Priority species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecology Assessment, Hopkins Ecology (April 2024), shall be submitted to and approved in writing by the Local Planning Authority. The content shall include the following:
 - a) purpose and conservation objectives for the proposed works and enhancement measures;
 - b) detailed design and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works and enhancement measures shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The Biodiversity Method Statement shall be submitted prior to commencement of development ((including any demolition, ground works, site clearance) and the Biodiversity Enhancement Scheme shall be submitted prior to any works above slab level. The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Full Planning application

- 7. The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 8. The new junction works with Newmarket Road and construction of associated adjacent drainage basin hereby permitted shall not be carried out except in complete accordance with the details shown on plan number, unless otherwise stated below:

Drawing / Document Title	Reference Number	Revision	Date
Proposed Newmarket Road Site Access Roundabout Preliminary Design (Full App)	PL04	C	22.02.24

- 9. No part of the development hereby approved shall be commenced until details of the proposed construction access on the A1302 Newmarket Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The details shall include layout, levels, gradients, visibility splays, surfacing and means of surface water drainage.

The approved construction access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form until the permanent site access is constructed.

- 10. Notwithstanding the details within Drawing Number PL05 Revision C, no part of the development shall be occupied until details of the proposed roundabout junction on A1302 Newmarket Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The details shall include layout, levels, gradients, visibility splays, surfacing, lighting, landscaping, pedestrian and cycle infrastructure and means of surface water drainage.

The approved access shall be laid out and constructed in its entirety prior to any above ground level construction commences. Thereafter the access shall be retained in its approved form.

11. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the Local Planning Authority.
12. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
13. Within 28 days of practical completion of the roundabout and drainage basin, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
14. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction
15. Prior to commencement of the new junction works with Newmarket Road and construction of associated adjacent drainage basin including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;

- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate; v) Wheel washing facilities;
- v) Measures to control the emission of dust and dirt during the demolition and construction phases;
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations;
- viii) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods and for the provision of associated directional signage relating thereto.
- ix) piling techniques (if applicable)
- x) a communications plan to inform local residents of the program of works
- xi) provision of boundary hoarding and lighting
- xii) details of proposed means of dust suppression
- xiii) details of measures to prevent mud from vehicles leaving the site during construction
- xiv) haul routes for construction traffic on the highway network and
- xv) monitoring and review mechanisms.
- xvi) Layout of facilities above to be included on a plan.

16. The hereby approved roundabout shall not be open and made available for public use until the speed limit on A1302 Newmarket Road within the vicinity of the proposed roundabout junction has been reduced to 30mph to facilitate the proposed junction and provide coherence with the proposed access road.

17. Prior to development commencing on the hereby approved roundabout as shown on Drawing No. PL05 REV C a detailed soft landscape scheme for that element shall be submitted to and approved in writing by the local planning authority. The scheme of landscaping shall be carried out in accordance with the approved details in the first planting season after the roundabout is first brought into public use. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Outline Planning Application

18. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

19. Prior to commencement of development details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

20. The reserved matters shall be in broad accordance with the following parameter plans:

- PIGC3005_ 4001-G Land Use & Green Infrastructure Parameter Plan;
- PIGC3005_ 4002-C Building Heights & Density Parameter Plan;
- PIGC3005_ 4003-C Movement Parameter Plan.

21. Prior to the submission of the first Reserved Matters application, a scheme for the construction of the development in phases shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the delivery of strategic green infrastructure, primary road network, relief road, play areas, open space, allotments and phases of development.

22. Prior to the submission of the first Reserved Matters application for a Development Parcel, a Site Wide Design Code in relation to the part of the site within the outline application shall be submitted to the Local Planning Authority for Approval. The Site Wide Design Code shall be prepared in accordance with the principles and parameters established by this outline approval and shall include both strategic and detailed elements. The Site Wide Design Code shall include:

- a) The overall vision for the development;
- b) The character, mix of uses and heights established through the approved parameter plans and include the block principles and the structure of public spaces, making reference to the phasing of land parcels;

- c) The street hierarchy, including the principles and extent of adopted highways and traffic calming measures;
- d) Typical street cross-sections which will include details of tree planting, tree species, underground utility/service trenches, and on street parking;
- e) How the design of the streets and spaces takes into account mobility and visually impaired users;
- f) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition shall be provided;
- g) Key groupings and other key buildings including information about height, scale, form, level of enclosure, building materials and design features;
- h) Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, pipes, flues, vents, meter boxes, external letterboxes, electric vehicle charging infrastructure, fibres, wires and cables required by statutory undertakers as part of building design;
- i) Design principles for the approach to monitoring vehicular parking (residents and visitors) for different building types including setting out principles to govern the location and layout of parking for people with disabilities and for each building type including parking spaces with electric vehicle charge point provision;
- j) Clear design principles for the approach to cycle parking for all uses and for different building types, (residential and commercial) including resident visitor parking, type of rack, spacing and any secure or non-secure structures associated with the storage of cycles including non-standard bicycle and trailer storage;
- k) The approach to the character and treatment of the structural planting (including site wide tree strategy statements guiding the diversity of planting and planting resilience to climate change, and the approach to SuDS design integration);
- l) The approach to the treatment of any hedge or footpath corridors and retained trees and woodlands;
- m) The conceptual design and approach to the public realm (making reference to materials, signage, utilities and any other street furniture);
- n) The conceptual design and approach to the artificial lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
- o) Details of waste and recycling provision for all building types and recycling points;

- p) Utility routes, type and specification;
- q) Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features;
- r) Details of measures to minimise opportunities for crime;
- s) Measures to show how the principles of good design (including acoustic design) will address and minimise the impact of existing traffic noise, traffic noise from the internal roads of the development itself etc on future noise sensitive users e.g. residents and schools;
- t) Details of good urban design principles and design of urban infrastructure to reduce air pollution – including street dimensions, use of Green Infrastructure (GI) such as trees, parks and green walls; and
- u) Details of the design review procedure and of circumstances where a review shall be implemented.

The Site Wide Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code. No development apart from Enabling Works shall commence until the Site Wide Design Code for the entire site has been approved in writing by the Local Planning Authority.

- 23. Applications for reserved matters for a development parcel shall include a Design Code Compliance Statement that demonstrates how the application accords with the approved site wide Design Code.
- 24. Concurrent with each reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) for that phase. The scheme shall be in accordance with the approved Flood Risk Assessment (FRA) and include:
 - a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;

- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority; and
 - h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i.
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction
25. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
26. Prior to the commencement of development within any phase or sub phase, a scheme for on-site foul water drainage works within the relevant phase, including connection point and discharge rate, shall be submitted to and approved in

writing by the Local Planning Authority. Prior to the occupation of any part of the development within the relevant phase or sub phase, the foul water drainage works relating to that phase must have been carried out in accordance with the approved scheme.

27. No development shall take place within any phase until the implementation of a full programme of archaeological work has been secured, for that phase, in accordance with a Written Scheme of Investigation which has been submitted and approved by the Local Planning Authority. The Written Scheme of Investigation shall include:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
28. No dwelling hereby approved shall be occupied within an approved phase or the approved pre-school be brought into use until the site investigation and post investigation assessment has been completed, for that phase, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition.
29. Prior to the commencement of the outline development approved by this planning permission details of the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),

- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

30. No occupation of any part of the permitted development, for each phase, shall take place until a verification report demonstrating completion, for that phase, of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

31. Prior to commencement of the outline development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- iii) Loading and unloading of plant and materials;
- iv) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;
- v) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate; v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during the demolition and construction phases;
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations;
- ix) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods and for the provision of associated directional signage relating thereto.
- x) piling techniques (if applicable)
- xi) a communications plan to inform local residents of the program of works
- xii) provision of boundary hoarding and lighting
- xiii) details of proposed means of dust suppression

- xiv) details of measures to prevent mud from vehicles leaving the site during construction
 - xv) haul routes for construction traffic on the highway network and
 - xvi) monitoring and review mechanisms.
 - xvii) Layout of facilities above to be included on a plan.
32. The building envelope, glazing and ventilation of the dwellings hereby permitted shall provide appropriate sound attenuation against external noise. The acoustic insulation of the dwellings shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) Acoustics Ventilation and Overheating Residential Design Guide, January 2020.
33. Prior to the occupation of any hereby approved dwelling, all of the noise protection and mitigation works associated with that dwelling as detailed in the Professional Consult Noise Impact Assessment (NIA) for Land at Bury West, Newmarket Road, Bury St Edmunds (Reference: 23.041.1.R8, Issue Date: 16 July 2024) shall be completed in accordance with the approved details.
34. Notwithstanding the details within Drawing Number PL05 Revision C, no part of the development shall be occupied until details of the proposed roundabout junction on A1302 Newmarket Road have been submitted to and approved in writing by the Local Planning Authority. The details shall include layout, levels, gradients, visibility splays, surfacing, lighting, landscaping, pedestrian and cycle infrastructure and means of surface water drainage.
- The approved access shall be laid out and constructed in its entirety prior to any above ground level construction commences. Thereafter the access shall be retained in its approved form.
35. Before the development is commenced, for each phase, other than the roundabout, concurrent with any Reserved Matters application details of the estate roads, footpaths and cycle paths which will serve the development, inclusive of internal links to new and improved connections to be delivered through planning obligations, shall be submitted to and approved in writing by the Local Planning Authority for that phase. The details shall include layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage.
36. No development above ground floor slab level of any part of the development hereby permitted shall take place until the travel arrangements to and from the

site for the different site users in the form of a Framework Travel Plan shall be submitted for the approval in writing by the Local Planning Authority in consultation with the highway authority. The Framework Travel Plan must be submitted and approved in writing and implemented in full accordance with the approved details. The Framework Travel Plan must contain the following:

- Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and identified targets to reduce the vehicular trips made by occupants, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
- Appointment of a suitably qualified Travel Plan Coordinator for each phase to implement the Framework Travel Plan in full and clearly identify their contact details in the Framework Travel Plan. More than 1 builder?
- A commitment to submit a Travel Plan to be approved in writing by the Local Planning Authority upon a trigger agreed within the Framework Travel Plan, which includes baseline monitoring and complies with the measures, objectives and identified targets set out within the Framework Travel Plan.
- A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum of 5-years or until 1-year has passed from the anniversary of the occupation of the final dwelling, whichever is longer, using the same methodology as the baseline monitoring within the Travel Plan.
- A suitable marketing strategy to ensure that all occupants on the site are engaged in the Travel Plan process.
- A Travel Plan budget that covers the full implementation of the Travel Plan.

No units within the site shall be occupied until the Framework Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Framework Travel Plan and shall thereafter adhered to in accordance with the approved Framework Travel Plan.

37. The approved scheme of landscaping in respect of each phase of the development shall be implemented in accordance with a programme of implementation that shall first be submitted to and approved in writing by the Local Planning Authority. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
38. Prior to occupation of any dwelling within an approved phase, a programme of implementation for that phase showing the areas marked and indicated as amenity open space on the approved site layout plan shall have been submitted

to and approved in writing by the Local Planning Authority. The submitted details shall also include the delivery timing of all associated landscaping works detailed in the approved landscaping scheme for that phase. The amenity open space shall be implemented in accordance with the programme of implementation and thereafter retained and used for no other purpose.

39. Any reserved matters application for a phase of development which includes a play area or play areas, shall be accompanied by details of the layout of the area(s) and the play equipment to be installed for approval by the Local Planning Authority. The details shall include a timetable for the completion of the play area and its opening for public use and the development shall be carried out in accordance with the approved details and timetable. Once completed, the play area(s) shall be retained and used for no other purpose. No play equipment or other hard landscaping shall be removed from the area(s) or be replaced with equipment/hard landscaping not forming part of the approved scheme unless the prior written consent of the Local Planning Authority has been obtained for any variation to the approved scheme.
40. No development above slab level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
41. The submitted reserved matters application for the remainder of the relief road, shall include a minimum 5-metres wide Green Buffer on both sides along its entirety.
42. Prior to commencement of the outline part of the development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the Local Planning Authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:
 - a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
 - b) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

43. If any part of the outline development hereby approved, does not commence within one year from the date of the planning consent, or the receipt of Reserved Matters (whichever is the latter) the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of bats, breeding birds and reptiles, and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

44. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
45. No development above ground level shall take place within a phase until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.
46. No individual dwelling or flat hereby approved shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G2, Regulation 36 of the Building Regulations (2016) has been secured in accordance with Policy DM7 of the Joint Development Management Policies Document (2015).

47. Prior to commencement of development within any phase or sub-phase a scheme for the provision of fire hydrants within the relevant phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. No part of the development within the relevant phase or sub-phase shall be occupied or brought into use until the fire hydrants for the relevant phase or sub-phase have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
48. Any submission of reserved matters in respect of the outline component of this planning permission shall provide full details of the type, tenure and location of the affordable housing within that particular phase. The approved development for that phase shall be carried out and the affordable housing thereafter occupied in complete accordance with the approved details.
49. Prior to the submission of any Reserved Matters applications being submitted to the Local Planning Authority full details of a Suitable Alternative Natural Greenspace (SANG) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted must include the following:
- a) The relevant necessary planning permissions that will need to include but may not be limited to 1) change of use of land and walking routes, 2) landscaping, 3) fencing and gates, 4) pedestrian/ cycle crossing of Fornham Lane, 5) green corridors to Fornham lane from the relief road;
 - b) The on and off site SANG provision - the quantity and quality which will be provided by the Appellant will be in accordance with the West Suffolk Recreational Disturbance Avoidance and Mitigation Study, notably Appendix 4 and Appendix 5 (or subsequent updated guidance).
 - c) Green links from the residential development to onsite and offsite SANG provision. The offsite SANG provision to the west of Fornham Lane will be accessed by peripheral car free green corridors.
 - d) A new link between the relief road and Saxham Bridleway 1.
 - e) The mechanism that demonstrates that all parts of the SANG – a) to d) above - have been secured in perpetuity.
 - f) A management and maintenance regime.

Any phasing strategy for the delivery of the SANG and other necessary elements will be submitted to and agreed in writing by the Local Planning Authority. The final capacity of and any phasing strategy for delivery of the SANG will be proportionate to the number of homes constructed, in broad accordance with current Natural England Guidelines of 8 ha of SANG provision per 1,000 head of population.

50. All elements of the SANG and the green corridors approved under condition 61 above, must be delivered in full and available for public use before the first

occupation of the hereby approved dwellings unless a phasing strategy has been submitted to and agreed in writing by the Local Planning Authority pursuant to condition [49], in which case the SANG must be delivered in accordance with such strategy. Any approved soft landscaping required for the delivery of the SANG shall be carried out at least one full planting season before the first occupation of the hereby approved dwellings or in accordance with the phasing strategy.

51. Prior to any development commencing above slab level on any of the hereby approved dwellings details of the precise location and layout of allotments that are at least 1750m², including vehicular and pedestrian access and car parking arrangements, water supply and surrounding landscaping, gates and fencing shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include measures to prevent vehicular access to the wider open space around the allotments. The allotments shall be provided in full accordance with the approved details prior to the occupation of the 200th dwelling.