



Appeal Decision

Hearing held on 30 and 31 July 2025

Site visit made on 1 August 2025

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/F3545/W/25/3361490

Land west of Saxham Business Park, Off Newmarket Road, Risby IP28 6RX

- 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 AJN Steelstock, GEO.E. Gittus and Sons, Dencora Construction Ltd against the decision of West Suffolk Council.
 - The application Ref is DC/23/0657/FUL.
 - The development proposed is the construction of a new steel storage, processing and distribution facility incorporating company headquarters and associated development (including highway and drainage infrastructure, parking, fencing, and landscaping) on land west of Saxham Business Park.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a new steel storage, processing and distribution facility incorporating company headquarters and associated development (including highway and drainage infrastructure, parking, fencing and landscaping) at Land west of Saxham Business Park, Off Newmarket Road, Risby IP28 6RX in accordance with the terms of the application Ref DC/23/0657/FUL and subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the application, the West Suffolk Local Plan 2024-2041 has been adopted (15 July 2025) (Local Plan). The policies in the Local Plan supersede those from the St Edmundsbury Core Strategy 2010, the Joint Development Management Policies Document 2015, and the Rural Vision document 2031. All parties had the opportunity to discuss the policy changes at the hearing, and my decision has regard to the relevant policies in the Local Plan.
3. Prior to the hearing, the Council confirmed that it would not be pursuing reason for refusal 2 as information had been provided to satisfactorily demonstrate that, subject to the imposition of conditions, the site can be adequately drained.
4. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (s106 agreement) was discussed at the hearing with a final signed and executed version submitted after the hearing closed.
5. Reason for refusal 3 relates to the absence of a completed s106 agreement to secure a financial contribution to deliver the footway/cycleway enhancements (£750000), a travel plan monitoring and evaluation contribution (£1200) and to secure two Skylark plots on land outside the appeal site. These matters have now

been resolved through the submitted agreement and the reason for refusal is no longer pursued. The s106 agreement is considered later in my decision.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area with particular regard to landscape effects;
- the effect of the proposed development on the use of best and most versatile agricultural land (BMVAL), including consideration of the site selection process; and,
- whether any harm identified, including conflict with the development plan, would be outweighed by other material considerations.

Development Plan Context

7. For policy purposes the appeal site is within the countryside. Policy SP12 of the Local Plan sets out the spatial strategy for the area wherein the provision of employment land is focused in the most sustainable settlements, the towns and key service centres and adjacent to existing rural employment sites. The intrinsic benefits, character and beauty of the land designated as countryside is recognised and is protected from unsustainable development. Development should avoid the BMVAL wherever possible in line with the National Planning Policy Framework (the Framework).
8. Strategic employment Policy SP22 makes provision for employment land to meet the needs identified over the plan period to 2041. It supports, sustainable growth, expansion, and diversification of local and rural businesses where such development is in accordance with Policies SP12, SP24, LP25 and LP26. LP25 and LP26 relate to farm diversification proposals and reuse and replacement of existing buildings in the countryside and are not relevant here.
9. Policy SP24 recognises that land designated as countryside is a valued asset within the district and will be protected from unsustainable development. Proposals for sustainable economic growth and expansion of all types of business and enterprise in the countryside will be permitted where several criteria are met. These are that: a. the intrinsic character and beauty of the countryside is recognised; b. the proposal is on previously developed land or land that is physically well-related to existing settlements and will not result in the irreversible loss of BMVAL; c. the scale of development is sensitively integrated into the surrounding area; d. there will be no significant harm, and where possible enhancements will be made to the historic environment, green and blue infrastructure and the natural environment; e. there will be no unacceptable impacts, and where possible enhancements will be made to the highways network, or public rights of way; f. sustainable travel links are provided to maximise active travel opportunities to and from the site; and, g. the distinctive character of any settlement and its setting is maintained and the proposal does not lead to coalescence with neighbouring settlements.
10. Policy SP24 is a permissive policy in that it allows economic development to take place on sites outside the allocated employment sites and in the countryside subject to criteria. It aligns with the Framework approach to planning policies which

should be flexible enough to accommodate needs not anticipated and to enable a rapid response to changing economic circumstances.

11. While expressing some reservations about the connectivity of the site and conflict with criterion f. of the Policy SP24 it was clarified at the hearing that this is not a basis on which the Council considers the appeal scheme should be dismissed. Nevertheless, the Council argues that the development conflicts with criteria a., b., and c., of the policy and I go on to consider these matters below.

Reasons

Character and appearance

12. The appeal site comprises agricultural land to the south of the A14. Risby village is to the north beyond the A14 and Little and Great Saxham villages lie some distance to the south. The appeal site is located between the A14 road corridor and the Cambridge to Bury St Edmunds railway line, with land to the east included to facilitate a roundabout and access to the highway and agricultural land beyond the railway line to the south sufficient to provide an acoustic bund, land for a public right of way and a drainage easement.
13. The appeal site is bordered to the west by Tweed's plantation, a block of woodland extending south from the A14. To the north is the A14 beyond which is a mixed area of residential and commercial development sited between the A14 and Newmarket Road. The entrance to South Street is at the east side of Newmarket Road which provides access to the centre of Risby village. To the south the appeal site borders agricultural land, with an industrial area adjacent to Symonds Road to the southwest and a biogas electricity power plant to the southeast. To the east is open agricultural land and land with planning permission for a lorry park, beyond which is an elevated section of road connecting Risby to the A14, Bury Road and Saxham Business Park. The route of a public footpath runs through the site from the south crossing the A14 via steps.

Landscape effects

14. The appeal site is in National Character Area 86 – North Essex and South Suffolk Clayland. The Suffolk Landscape Character Assessment (SLCA) describes broad landscape character types across the County. The appeal site is situated within landscape type 11 Plateau Estate Farmlands (LT11). Key characteristics include large scale rectilinear field patterns, a network of tree belts and coverts and clustered villages with a scattering of farmsteads around them. Trunk roads are a prominent feature of the landscape, and it is acknowledged that LT11 suffers considerable localised effects from the A14 trunk road.
15. The site sits towards the edge of LT11, adjacent to landscape type 28 (LT28) to the south. LT28 features rolling valleys, scattered plantation woodlands, and planned rectilinear fields divided by hawthorn hedges with few trees. The SLCA notes that the unexpectedly rolling terrain enhances the area's character, though agricultural activity has somewhat degraded its condition.
16. The West Suffolk Landscape Character Assessment (WSLCA) offers a more detailed local view of landscape character, placing the appeal site within Landscape Character Area H1 (LCAH1): Cavenham-Risby Sandlands Fringe. While LCAH1 mainly lies north of the A14, the appeal site is part of a smaller area

to the south. LCAH1 is defined by large geometric arable fields, mixed woodland on free-draining soils, and a central 'empty' farmland character, with busy roads and urban centres at the edges. The WSLCA highlights the contrast between expansive open fields and woodland, and the more intimate rural lanes and tracks, noting the sensitivity of settlements like Risby within this open setting. It also acknowledges the strong influence of the A14 corridor on the southern part of LCAH1.

17. Land west and south of the appeal site is situated within LCA E1 a gently rolling landscape comprising a sequence of shallow valleys and large to medium arable fields. It describes a broad generous scale landscape with elevated views northwards across the A14 corridor to the wider Brecklands.
18. The Council and the appellants have drawn my attention to the differences between the Landscape and Visual Impact Assessment (LVIA) and the landscape evidence provided by Tyler Grange (landscape evidence), and I consider these where appropriate. Regarding site features I am satisfied that the approach of the landscape evidence which considers features collectively in the context of effects on landscape character is an acceptable approach.
19. While on the periphery of LCAH1 the large-scale rectilinear fields of the appeal site and the blocks of woodland adjacent to it are consistent with the character area. The appeal site's landscape quality is notably shaped by the A14 corridor, which, along with adjacent development on Newmarket Road, separates it from much of LCAH1. The site is affected by traffic noise, and the A14 forms a clear boundary between the site and Risby. This separation does not make the site more remote or rural; rather, the surrounding infrastructure, noise, and nearby industrial development diminish its rural character. The site has a distinct, fringe-like quality, but the west–east transition noted by the Council is not evident here, nor do I find the landscape to be unique.
20. To the south of the appeal site, the railway line runs in a deep cutting, limiting its visual effect. Boundary planting further screens the railway and separates the main development area from the land proposed for the acoustic bund. The bund area forms part of a larger field that slopes southward into the undulating landscape of LT28 and LCAE1. Despite nearby industrial uses, this southern section contributes to the open, rural character of LT11 and LCAH1 and contributes to the scenic quality of the wider landscape. It is also open to the countryside further south with a discernible connection to the rolling valley landscape of LT28 and LCAE1.
21. The landscape is not rare; it possesses no character or features of particular importance or special conservation interests. Recreation value is low with the existing footpath usage restricted due to its route across the A14, the site is not tranquil and is not associated with particular people. Nevertheless, the appeal site and its surroundings retain an agricultural character with some landscape and scenic quality. I judge the landscape and scenic quality of the site and environs to be medium, the value of the receptor to be medium-low, and the susceptibility and sensitivity of the receptor to be medium. I accept the appellants' assessment in the landscape evidence that the sensitivity and value of the landscape receptors for each of the landscape character areas would be medium.
22. The proposal would replace open fields with industrial development. Farmland is a typical feature of the landscape type while industrial use is not, and the proposal

would have a negative effect on landscape character. The effects of the development on landscape would be contained, with the existing vegetation within the road corridor and the development at Newmarket Road diminishing the potential influence of the development on landscape to the north. Tweeds plantation would contain the development to the west and limit the visual influence of the development on the wider landscape further west. To the east the siting of the proposed truck stop, the road infrastructure, and the industrial development beyond creates a sequence of development along the A14 frontage. The existing features would limit the effects of the development on the wider landscape character eastwards and the truck stop permission creates the possibility that the land adjacent to the appeal site would appear more developed.

23. The railway line shapes the size and form of the agricultural fields within the appeal site, but the railway is not prominent in the landscape. The bund beyond the railway line would notably change the landform at the edge of LCAH1. The bund would be an intrusive feature in the landscape as it runs contrary to the existing gently sloping landscape on the west east ridge line before the landscape changes to the more undulating landscape associated with LCAE1 further south. The effects of the bunding on landscape character would be mitigated to some extent by shaping and native planting but it would remain an artificial element of the landscape and would be harmful to landscape character. The bund would however filter views of the buildings and site operations and would notably moderate the effects of the buildings on the landscape character from the south.
24. Even so, the development would initially cause a high magnitude of change on the appeal site which would result in an effect of Major-Moderate significance to landscape character. Over time the landscaping if designed with appropriate species that reflect the characteristics of LT11 and LCA H1 could strengthen and reinforce landscape character. As the proposed landscaping matures, it will gradually establish a visual setting for the development, integrating the buildings into a more natural and cohesive environment. Nevertheless, even after year 15, and taking account of the proposed planting, the size of the buildings, the overall footprint of the scheme and the landform created by the earth bund would mean that the proposed development would remain moderately harmful to landscape character.

Visual effects

25. The landscape evidence uses a zone of theoretical visibility (ZTV) to illustrate the extent to which the proposed built form is potentially visible within a 2 km radius. The ZTV is modelled using GIS computer software and considers existing built form and vegetation present within the surrounding landscape. Field verification is required to refine the accuracy of the ZTV, and the appellants have assessed the effects of the development of visual receptors from several viewpoints within it. The use of a ZTV is a notable difference to the approach of the appellants' original LVIA. The Council does not raise any concerns about the ZTV modelling in principle but does not believe that its use justifies the reduced effects identified in the landscape evidence.
26. The Design and Access Statement outlines several measures intended to reduce the visual impact of the proposed development. It explains that, in addition to the existing tree cover along the A14, a new 10-metre-wide landscaped zone would be introduced along the northern frontage. This zone would be planted with additional

trees and vegetation to form a dense, natural screen. On the southern side, a combination of dense planting and an acoustic earth bund would help to visually shield the buildings by using landform. Furthermore, the curved roof design and the buildings' setback from the A14 are deliberate architectural choices aimed at softening the development's profile and minimising its visual prominence. These design interventions are relevant when considering the visual effect of the development on its surroundings.

27. Along Newmarket Road there are no footpaths, meaning views would be experienced primarily by drivers, who are typically of low sensitivity due to their focus on the road. Views from Newmarket Road would also be oblique and partially screened by intervening land uses. Similarly, receptors on the A14 overbridge and the adjacent slip road (viewpoints F and G) would also be travelling in vehicles and therefore of low sensitivity. The visual effects of the proposed development on these users would be minor adverse.
28. The footpath on the A14 flyover, though currently little used, would be upgraded as part of the appeal scheme, increasing its sensitivity as a visual receptor. It would primarily serve pedestrians accessing the appeal site or Risby village from the south. Users would experience elevated views of the development, partially screened by roadside vegetation, proposed planting, and potentially the approved truck stop. Despite this filtering, the visual change and erosion of the site's rural character would be apparent, and the effects would be moderately adverse. Even so, views would be experienced in the context of the A14 road infrastructure and for only a short section of the footpath.
29. Footpath Risby 9 appears to be well-used and runs in a straight line across open agricultural land, linking Welham Lane to an unnamed road to the west. From this route, the buildings fronting Newmarket Road are clearly visible and would be seen in the forefront of the development. Particularly due to their considerable height, the proposed structures would be seen along the full length of the footpath, from viewpoint A to viewpoint B.
30. While the curved roof design would elevate the architectural quality above that of a typical warehouse and the proposed landscaping would help to soften the development's appearance, the buildings would nonetheless introduce a new, permanent feature into the landscape. Their industrial character would not be entirely out of place given the existing development in the foreground, but the overall scale, height, and form of the buildings would make them a notable element of views from the footpath. Landscaping may improve the setting and filter some views, but the buildings would break the skyline and continue to exert a moderately adverse visual impact over the longer term.
31. Cavenham Road lies further north than Risby 9 and is a rural route without footpaths. Its southern edge is bordered by mature hedgerows, which largely screen views towards the appeal site. I agree that views from this location would not be experienced in the context of the A14, but rather across open rural fields. However, motorists travelling along the road would only have intermittent, partial views of the proposed development through gaps in the vegetation. While the Risby Parish Council notes that cyclists and walkers use this route, cyclists, though more sensitive than drivers, would still be moving at pace and primarily focused on the road, resulting in limited visual engagement with the site.

32. Pedestrians would be more susceptible and may experience some views of the development; however, these would be filtered by boundary vegetation and would not be prominent when moving east-west along Cavenham Road. Overall, the visual effects on receptors using this route would be minor adverse.
33. Footpath Risby 1, while not a circular route, is located close to the village and is likely to be used by local residents for informal recreation, such as dog walking. Its proximity to the settlement and its limited extent suggests it functions primarily as a local amenity and therefore would not represent an especially sensitive receptor. Views from the footpath include the Saxham Industrial Estate and the A14. The proposed buildings would be visible as part of wider views. Over time, planting would help to filter these views, although the buildings would remain visible above the tree line. Even so, because of the distances involved and the other features within the field of vision the visual effects on users of Risby 1 would be minor adverse.
34. Public right of way Saxham 1 approaches the site from the south it continues over the railway line across the site where the footpath crosses the A14 via steps. Because of its route the footpath is not well used. The scheme would retain the footpath, change its position, and provide an extension to it so that it loops round on to the Bury Road and connects to the bridleway towards Bury St Edmunds and provides a route into Risby on foot. The use of the route post development would therefore likely be more attractive and well used.
35. I agree with the landscape evidence that the impacts would be localised, seen by relatively few people, even as a looped route, and would be experienced over a short section of the route reflecting the appellants' landscape evidence that the sensitivity of the receptor is medium.
36. The appeal scheme would be directly in the field of vision on the approach to the site along the footpath. There are elements of the industrial development within the immediate surroundings, but the view remains mostly rural in character with the dense planting along the railway restricting forward views into the appeal site. The width and height of the bund and the size and extent of the buildings would be apparent from the footpath approach. The mitigation planting on to the bund could mitigate the most urbanising influences of the new buildings. However, the bund itself would remain a significant land level change in its surroundings and the tree line would be inconsistent with the height and form of the agricultural field boundaries in this part of the landscape. Therefore, the visual effects on receptors would be of a high order at year one and even after the mitigation planting has matured would remain on the high end of moderately harmful.
37. The buildings would sit on the top of the ridge line, and the development would be seen from a limited number of other viewpoints to the south side of the site. In these views the buildings would be seen along the skyline. Invariably these views would be filtered by vegetation and the effect of the development from viewpoints from the south, while experienced by receptors of medium sensitivity, would be minor adverse.
38. The Risby Parish Council, and members of the public at the hearing, raised concerns about the visibility of the scheme from locations around Risby village including from residential receptors on Newmarket Road and dwellings at the edge

of Fishers Fields. The appellants confirmed that the LVIA and landscape evidence did not assess the effect on residential receptors.

39. The small cluster of residential properties on Newmarket Road have the rear of their single and two storey properties facing towards the appeal site. The properties are separated from the appeal site by the A14. The A14 sits at a lower land level with the land rising either side and somewhat lower at the village side. Fencing and landscaping define rear boundaries and there is mature planting on the embankment adjacent to the road. Even so, the appeal site is undeveloped, the proposed buildings are large features and those living in the properties facing Newmarket Road would notice the change to developed land from within their gardens and likely from first floor rear windows.
40. However, while the rural aspect of the views from the properties would be changed, because of the intervening distances and the dual carriageway over which the development would be experienced, the changed view would not detract from the living conditions of the properties.
41. Moreover, the proposed buildings would be set back from the road frontage and planting to the front of the acoustic fence would overtime have a notable influence on the extent to which the development would be seen from gardens and upper floor windows. Consequently, while the development would be experienced by receptors of high sensitivity, due to the site circumstances, the setback of the proposed buildings from the site frontage and the broad strip of landscaping to the site frontage with the A14, in the longer term the overall visual effect would be of a minor nature.
42. I have considered the details of the Carland Cross Wind Farm decision. While I do not have full information regarding the specific context of the affected properties in that case, I am satisfied that the proposed buildings in this appeal would not constitute an overwhelming presence in the principal views from properties along Newmarket Road.
43. Some of the properties on Fisher Fields development are orientated with their two storey rear elevations facing towards the A14 or towards South Street. The field boundary adjacent to the development is well defined and views of the rural aspect of the land beyond their residential boundaries would largely be experienced from upper floor windows. Views of the proposed development would at a considerable distance with other buildings and infrastructure in the foreground. Built development would be seen to increase but would not dominate rural views. At the distance experienced, the effect of the development would be limited.
44. The Risby Parish Council raised concerns about the use of the site at night. Neither the Council nor the appellants address nighttime effects in their statement. Both refer to the use of conditions to restrict lighting levels after dark; a measure required to protect wildlife as discussed later. During the hearing I visited the site in the evening after dark. The A14 is not lit, and the area is not brightly lit. Lighting at the nearby Claas building was a prominent feature in the evening mainly because of the glass frontage and internal lighting. There were also some intense light sources on individual uses within the industrial estate.
45. The proposed development would be a solid structure with glazing largely facing inwards. There are areas outside the buildings that would require lighting throughout the nighttime, but the lighting scheme sets out how lighting would be

kept to a minimum and how light spill would be minimised. Furthermore, the depth of landscaping proposed adjacent to the boundaries would contain light spillage. Therefore, with conditions securing the light levels within the site and landscaping, I am satisfied that the nighttime effects of the development on landscape and visual receptors would be small.

46. While the Council observes that there is an absence of the consideration of the cumulative effects of development with the surrounding commercial development, the Council does not raise any specific concerns in this respect. The evidence does consider the contribution that existing development makes to the landscape character, and the appellants have had regard to the development approved for the lorry park.

Conclusions on character and appearance

47. It is difficult to envisage a circumstance where industrial development on greenfield land would not cause some adverse landscape and visual effects. However, the extent of such effects and whether they can be successfully mitigated in the longer term depends on the site. In this case, the height and extent of the development is substantial. However, the site circumstances including the A14 corridor, the railway line and the surrounding industrial development influence the landscape character and the visual effects of the development.
48. The change to the landscape arising from the appeal developments would affect a contained area of landscape. Nevertheless, the bund on the southern side of the site would be a significant change in land form and would remain a notable feature in the landscape, at odds with the immediate landscape character and the footprint and height of the development would not be fully assimilated within the landscape. The development when established would have a moderately adverse effect on landscape character.
49. The visual effects of the development would be localised. They would mainly affect pedestrians and cyclists using Saxham 1, Risby 9 and Cavenham Road. Saxham 1 and Risby 9 would experience moderate adverse change, and this would endure for the longer term.
50. Overall, I conclude that the development would have a moderate adverse effect on the landscape and how people would experience it. The proposals would conflict with Policies SP7, SP12 and SP24 criteria a. and c., where these policies recognise the intrinsic character and beauty of the countryside and seek to avoid negative landscape and visual effects of development.

BMVAL and site selection

51. The Council's decision notice refers to the loss of 12ha of BMVAL. Various other site areas are referred to throughout the evidence. The parties agreed at the hearing that the loss of agricultural land would be 19.66 Hectares. I see no reason to disagree with this figure.
52. In the Statement of Common Grounds (SoCGs) it is agreed that the appeal site is grade 3a agricultural land and would be BMVAL as defined in the Framework and BMVAL is prevalent in West Suffolk. It is further agreed that the Framework does not impose a sequential assessment on BMVAL and does not prevent

development on it in principle, although its loss is recognised as a material consideration.

53. The Council clarified at the hearing that the reference to paragraph 180(a) of the Framework (now paragraph 187) should be a reference to paragraph 187(b). Their concern is related to BMVAL. Even so, there is a natural correlation between protecting and enhancing soils and protecting BMVAL. The appellants indicate that the soil resource at the appeal site is not identified in any statutory manner and in any case can be retained on the site (within the bund) and used for landscaping. The Council does not disagree with this analysis; its concern is principally about the loss of Grade 3a BMVAL.
54. Policy SP12 of the Local Plan says development should avoid BMVAL wherever possible in line with the Framework. Policy SP24b permits economic growth and expansion of businesses in the countryside where it is on previously developed land or land that is physically well related to existing settlements and will not result in the irreversible loss of BMVAL.
55. Paragraph 187(b) of the Framework states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMVAL. In relation to allocating land with the least environmental or amenity value footnote 65 to the Framework explains that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to higher quality.
56. The Framework does not define significant. The appellants have provided several means by which to assess significant including the threshold for consulting Natural England (20ha). Reference is also made to Natural England's guide to assessing development proposals on agricultural land. Section 6 of the guide says that you should take account of smaller losses (under 20Ha) if they are significant when making your decision.
57. I see no reason to dispute the appellants' evidence that the BMVAL as a resource is not statistically or quantitatively rare. Nonetheless, the appeal site contributes to agriculture, and its permanent loss is acknowledged. However, the Council does not challenge the appellants' analysis, which shows that the economic benefits of arable cropping on the site are modest compared to non-BMVAL land, the impact on the farming business would be limited, and the loss of crop production is negligible at a regional or national scale.
58. Regarding the availability of other sites to accommodate the development, the Council highlights that Policy SP23 identifies rural employment areas and that SP23ae and allocation AP41 at Shepherds Grove, Stanton (Stanton site) allows for B2 uses and is of a size capable of accommodating the appeal scheme. An adjoining site at Stanton is also protected for employment uses, including B2, under Policy SP22.
59. In 2023, the appellants carried out a sequential site assessment. Having previously ruled out expansion at their current premises, the business has spent several years seeking a new location. Despite engaging with the Council's Economic Development team and various property agents and landowners, they

have been unable to find a site with suitable planning status that meets their operational and growth needs.

60. The sequential assessment concludes that most of the Stanton site is under offer to Copart, with remaining plots too small for the proposed development. The site is also unsuitable due to poor trunk road access, distance from the appellants' current location, lack of green energy supply, and the need for major infrastructure upgrades. Additionally, part of the land may be used for housing.
61. At the hearing, the appellants further confirmed that Copart has had a refusal of planning permission on the land because of highway concerns. The site is some distance from a major road and the access to the site would require the proposed development to use rural roads. Furthermore, the site is not next to a major road and background noise levels are lower. A target noise level would be lower, and it would be more difficult to mitigate against any adverse effect of noise on nearby properties.
62. Moreover, the Council's economic development team confirmed in their consultation response that they have sought to assist the company with its growth plans but because of the nature of the business finding a site has proven problematic. The Council did not have any comment to make on the availability or otherwise of the Stanton site in its committee report.
63. The Council highlights the availability of the Stanton site in its statements and refers to the Stanton site as a more appropriate site that would avoid the loss of BMVAL land. However, the Council did not provide any notable submission to the hearing that would contradict the appellants' evidence that development at the Stanton site would be problematic and have provided little to contradict the conclusions in the appellants' sequential assessment in its evidence.
64. Therefore, while the Stanton site could in principle accommodate B2 and B8 development there is limited information before me to indicate that the appellants' analysis of the Stanton site's suitability to accommodate the development is flawed. Furthermore, the Council does not suggest that any other sites on lower grade agricultural land could support the proposed development.
65. In this context there is limited evidence that the needs for the business could be adequately addressed on lower quality agricultural land. In addition, while recognising the economic and other benefits of BMVAL, in this case the economic and other benefits of the land are small. I therefore conclude that the loss of BMVAL is not a significant issue in the decision.
66. Accordingly, although the proposal would result in the loss of BMVAL, the harm and the corresponding conflicts with Policies SP12 and SP24 b and paragraph 187b of the Framework attract modest weight.

Other Considerations

Noise

67. The proposed development would operate 24 hours 7 days a week. To consider the effects of noise on the surroundings the appellants initially submitted a noise impact assessment (NIA) by Noise Air Acoustics to support the planning application. In response to comments and concerns raised by the Council and others a further NIA by Sharps Acoustics dated 1 July 2024 (Sharps report) was

submitted and this formed the basis for the Council's assessment of the noise impacts of the development.

68. The methodology for the Sharps' report used British Standard (BS) 4142:2014 and A1:2019. Representative sound measurement of the activities described in appendix C to the report were made at the AJN Steelstock Kentford site. These sound measurements, the proposed mode of operation at the proposed Risby site, and other factors such as distance and impact of proposed sound attenuation measures, were then used to model the sound level that would be received at 3 residential receptor locations described in table 5.1 of the report. The Sharps report concludes that no penalty corrections to the modelled sound level as set out BS4142 for tonal, impulsive or intermittent sound would be necessary at the resident receptor sites and that when the predicted rated noise levels are compared to background noise levels there would be no adverse noise impact on residents.
69. Residents and Risby Parish Council remain concerned about the adverse effects of noise. These concerns were expressed at application stage and in response to the appeal and are set out in two substantial responses on noise matters; the resident funded Pace Consult Ltd response to the Sharps report and the evidence submitted by Risby Parish Council. Other notable noise issues were the concern of a resident who previously lived close to the Kentford site and concerns more generally about noise from the proposed site relative to noise from the A14.
70. The Council did not refuse the application on noise grounds, concluding that the Sharps report is robust and that subject to noise mitigation measures being secured by condition the noise impacts on residential dwellings in the vicinity of the site would not be adverse.
71. Based on the evidence and the discussions at the hearing I see no reason to question the residential receptor locations, or the computer-generated modelling used in the appellants' assessment accepted by the Council. Nor are there any other matters in the residents' and Risby Parish Council's submissions or the evidence provided at the hearing that would lead me to come to a different conclusion to the Council.
72. While a resident of Risby has experience of living near to the Kentford site, as the Sharps report and the evidence clarify, the appeal site would be operated within new buildings protected by acoustic barriers and the development would be controlled through the imposition of planning conditions.
73. The proposed conditions would ensure that the fixed noise mitigation measures proposed are provided, that a management plan would secure the operational parameters as set out in the acoustic report and a noise complaints procedure would be provided. Conditions would also require a mechanism to be in place post completion to confirm compliance with the sound criteria within the acoustic report and the rating level of noise emitted from the site is restricted so that it does not exceed typical background noise level by more than +3 dB(A) during the daytime and 0db (A) during the nighttime. The principle of applying these conditions was agreed between the parties as part of the SoCGs and I agree that these are necessary and reasonable to ensure the control of noise at the site.

74. I am satisfied that with regard to noise, the proposals comply with Policy LP7 where it permits development that is unlikely individually or cumulatively to result in significant impacts on noise.

Highway matters

75. A Transport Assessment (TA) and a travel plan were submitted with the application to address highway safety and accessibility issues. Suffolk County Council is the local highway authority (HA) responsible for the local road network. National Highways is the strategic highway authority and is responsible for higher tier roads, the most relevant being the A14.
76. National Highways are satisfied that the development would not have a severe impact upon the strategic highway network. The HA is satisfied that the TA has considered the number and distribution of vehicle trips and has sufficiently evidenced that the affected road junctions would operate within capacity and without any significant increase in queuing.
77. Therefore, neither authority objects to the appeal scheme subject to conditions and contributions towards footpath/cycle route improvements and a travel plan coordinator. Contributions would be secured through the Section 106 Agreement. The Council as decision-making authority did not refuse the scheme on highway grounds. However, there is considerable local objection on highway related issues.
78. Access to the site would be from a newly created roundabout to the east of the appeal site providing access to the A14 east and west. The HA clarifies that the construction of the roundabout would require significant works and require appropriate traffic management. These works could be managed under a section 278 agreement (where a developer enters into a legal agreement with the Council in their capacity as the highways authority to make permanent alterations or improvements to the public highway).
79. There are objections from the local community about the effect of the increase in HGV movements resulting from the development and the increase in traffic using South Street. The Risby Parish Council is concerned about the traffic using the South Street junctions. Their concern is that due to the proximity of the two junctions on South Street and the width of the roads additional HGV vehicle movements would exacerbate current problems at the junction which result in damage to the highway and queuing traffic. The Risby Parish Council considers that the proposed conditions to minimise use of the South Street would not be enforceable.
80. The HA confirms that site traffic (HGV's) from the west would be routed by the existing signage to leave the A14 at junction 42. For HGVs travelling from the east to the site along the A14, they would be required to use the A14 Junction 41 westbound off-slip. Therefore, HGVs travelling to the site from the east would not use the South Street/Bury Road T-Junction to the south of Risby.
81. The HA clarifies that the adherence of site traffic to using the A14 junction as described and not using the South Street access to the A14 is very important. The proposed A14 access arrangement would require all departing HGVs to turn right at the new roundabout. The HA recommends that appropriate signage to reinforce this message with drivers would be beneficial. The culture of the site management and a clear instruction to all drivers about the importance of using the stated routes

is emphasised. The HA suggests that the HGV traffic routing should be secured through a deliveries management plan.

82. At the hearing there was some discussion as to whether a delivery management plan would be enforceable. The appellants confirmed that appropriate use of CCTV would identify those not using the required route. Also, many of the company HGVs are identifiable and a breach of the routing would be clearly seen for these vehicles. The Council was satisfied that a management plan to secure the delivery route would be enforceable.
83. I have no reason to doubt the HA's judgement that subject to conditions the proposed access arrangements discussed above would ensure that the appeal proposal would not contribute to the difficulties at the South Street junctions or that the proposed development would not have a severe impact on the highway. Conditions would secure the proposed strategy for traffic routing, and I am satisfied that the proposed conditions could be enforced. The proposals would comply with Policies LP43 and LP44 of the Local Plan where these policies seek to ensure that development does not have a severe impact on the road network and suitable parking provision has been made.

Accessibility

84. Although this is not cited as a reason for refusal, the Council's updated policy statement indicates that the proposals do not fully accord with the Local Plan in respect of accessibility. The scheme would partially conflict with Policies LP1 and SP1 and would not fully comply with Policy LP41.
85. Policy SP1 seeks to respond to the climate and environment emergency and sustainable development by among other things designing for accessible communities, minimising the need to travel, creating active travel routes, and maximising the potential for and delivering sustainable travel. Policies LP1 and LP41 require demonstration that measures have been taken to provide active travel. LP42 sets an expectation that development will improve or contribute to the improvement of public rights of way.
86. The appeal site is outside of any settlement, there are no notable bus services nearby, and the pedestrian access through the site is largely unusable to access Risby because it crosses the A14. The proposed business use is such that it is likely that most trips to and from the site would be by car or HGV. However, the existing public footpath crossing the site would be re-routed to the south of the site heading east to cross over the existing rail bridge and then joining up with the existing A14 overbridge and South Street to the north. There is a bus route from the village but there was little provided at the hearing to suggest that the bus route would be sufficient to enable employees to use the bus service.
87. As well as re-routing the existing public footpath to provide access to Risby the appellants have sought to maximise travel by other modes by providing a new cycle and pedestrian route southwards to connect into the Bridleway on Bury Road. Furthermore, a contribution is secured by agreement that would extend the cycle and footpath route north of Westley with the intent of providing access by cycle or foot from Bury St Edmunds through to the appeal site. This route would be adopted as a public right of way, would provide some opportunities for alternative travel to Bury St Edmunds for the development and the wider adjacent business uses.

88. In addition, the application is supported by a travel plan which sets out a strategy to influence travel behaviour change. The travel plan would promote travel options including promotion of cycling and walking for short journeys and car sharing. I acknowledge that the promotion of travel alternatives in a location that is easily accessible by car would require the adoption of a culture within the organisation to support and promote active travel. However, the travel plan would be in place to do this, and appointment of a travel plan coordinator would support the implementation of the travel strategy.
89. It is of course accepted that many journeys would be undertaken by car. This is not a large urban area, and it is unreasonable to expect that employees and site visitors would travel by public transport, cycling or on foot for many of their journeys. The Framework itself points out that opportunities to maximise sustainable travel solutions will vary between urban and rural areas. Nevertheless, in this case the proposals would provide an alternative, and employees would have the choice to undertake some journeys by other means than the car. I am satisfied that measures proposed to support alternative modes of transport to the site, together with the travel plan are sufficient for the scheme to comply with the Local Plan in relation to accessibility.

Heritage assets

90. The Council and the appellants agree in the SoCGs that there are no heritage assets that would be adversely affected by the proposal. Various interested parties and the Risby Parish Council refer to the effects of the development on the grade II listed White Horse Public House Cottage and Coach House and Myrtle cottage and the grade 1 St Giles church.
91. Section 66(1) places a duty on the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. The Framework defines the setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset, and its surroundings evolve.
92. The significance of Myrtle Cottage principally derives from its architectural interest. The White Horse Public House Cottage and Coach House also derive significance from their architectural interest as well as some community interest due to its former use. St Giles church is located within the village although it is some distance from the appeal site the church spire can be seen in the surroundings. Its principal significance derives from its communal, evidential, and historical value associated with its use as a church.
93. The existing footpath across the appeal site crosses the A14 to the side of the public house, However, due to the route of the A14 the listed buildings do not have a relationship with the appeal site or derive their special interest from it. I am satisfied that the appeal site is not within the setting of any of these listed buildings.

Benefits of the development

94. The Council does not dispute the appellants' evidence that the appeal proposal would deliver a range of economic benefits through the retention and expansion of AJN Steelstock. The development is expected to generate approximately 70 new

jobs, increasing the company's skilled local workforce to around 270 employees. The proposed new facility would support future business growth and expansion, with the potential for further job creation. The larger premises would enable the company to meet current and projected demand, enhancing its competitiveness and ability to respond flexibly to market changes. The modern, high-quality facilities would also strengthen AJN's brand reputation and market presence, supporting the attraction and retention of a skilled workforce and contributing to wider employment opportunities in the area.

95. The business expansion would provide indirect economic benefits to businesses and regions reliant on its products, particularly within the construction sector. The appellants say that the development represents a significant investment of over £100 million, with an anticipated annual turnover of £87 million and the Council does not dispute this.
96. In addition, the construction phase of the development would generate employment and stimulate local economic activity through increased spending. Although the construction phase would be temporary, given the size of the scheme these benefits would not, in my view, be insubstantial.
97. There would be social benefits associated with securing employment within West Suffolk and the creation of future jobs. The benefits would extend to the families of employees and would support a strong, vibrant, and healthy community.
98. From an environmental perspective the proposal is targeting Building Research Establishment Environmental Assessment Method (BREEAM) Excellent which requires the consideration of energy and water consumption, transport, materials, health and wellbeing, land use and ecology, waste, and pollution. The Council requires BREEAM Excellent to be sought by condition. No specific condition has been suggested but such a condition would accord with the appellants intent and would be reasonable and in accordance with Policy LP1 of the Local Plan. Although the achievement of BREEAM is a policy requirement it is an important consideration because of the size of the buildings, number of people employed at the site and traffic associated with the development and I attribute positive weight to the appellant's pursuance of it, which would be secured by condition.
99. The proposed cycling and pedestrian connectivity would support health and wellbeing and would be available to the wider community. In addition, the realignment of the existing footpath would provide a safe route into the village from the south removing the existing dangerous route across the A14 with the potential for greater use by the community.
100. The scheme includes a drainage attenuation pond which would collect the surface water from the buildings. This water would be used to irrigate crops and to enhance yields elsewhere on the adjacent farm.
101. Renewable sources would be used on the site and would include roof mounted photovoltaic panels. While the energy from the anaerobic digestion system is already being used and I have limited evidence about the additional capacity the digester system may hold to accommodate the needs of the proposals, other sources of renewable energy are incorporated into the scheme which would be a benefit.

102. The appellants' Biodiversity Net Gain (BNG) assessment indicates that there would be considerable gains in habitat units and hedgerows at the appeal site. The ecology findings are common ground between the parties which indicates more than 10% BNG even though this is not a requirement for this scheme. Achieving such gains is based on assumptions about landscape design and future management, however as the landscaping would be sought by condition the exact BNG figure is difficult to confirm. Even so, I accept that the development would result in BNG, and this is a positive factor.
103. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. The proposals would offer important economic and social benefits, including the potential for job security and growth. The economic and social benefits are consistent with national policy objectives and when taken together with the environmental benefits described, are of a scale and nature that justify giving them substantial weight in my decision.

Other Matters

104. Interested parties draw my attention to the way consultation was undertaken before and during the application process. While it is regrettable that consultation was not undertaken in the way expected by the local community, I am satisfied that the statutory consultation has been undertaken and those that wished to comment on the proposals were provided with the opportunity to do so.
105. According to the Saxhams Parish Council the Symonds Farm business park is designated for storage and distribution only. Concerns are raised that the proposed development would set a precedent for general industrial development on the adjacent site. However, the Council would retain the right to assess such applications on their individual merits having regard to the specific circumstances of the site and the details of any proposed scheme.

Section 106 agreement

106. The draft section 106 agreement was discussed at the hearing, and the executed document is dated 10 August 2025. I have considered the various obligations with regard to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 58 of the Framework.
107. Skylark is a priority species¹. The ecology survey identified that the arable fields support potential nesting habitat for Skylark when winter or spring cereals are cropped. The ecology report noted 2 male Skylarks singing in the arable field immediately to the south of the railway line and further birds were heard to the north of the A14. As the arable habitat would be lost under the proposals, appropriate compensation is secured through the s106 agreement in the form of offsite Skylark plots. A mitigation strategy would be sought by condition and implemented in association with the agreement. These compensation measures would mitigate for the potential loss of Skylark habitat within the appeal site with the first two Skylark plots being provided prior to the commencement of the development and plots would be provided for a period of 10 years. The obligation complies with Policy SP9 of the Local Plan and the relevant CIL tests.

¹ as defined in accordance with the Natural Environment and Rural Communities (NERC) Act 2006.

108. The appeal site area includes land to provide a public right of way from the appeal site to Bury Road where it would link with an existing bridleway. The off-site enhancement contribution would provide the necessary funds for the legal, administration and construction costs to establish a right of way that would continue north of Westley. The purpose is to ensure that the appeal site is accessible by a range of transport modes to promote active travel. The County Council is seeking to link the site with Bury St Edmunds to provide access to the site for the greatest number of potential staff that might seek to commute to the site. The basis of the required sum is clearly set out by the County Council, and I am satisfied that the contribution accords with Policies SP1, LP1, LP9, SP24, SP31, LP41, LP42 and LP43 of the Local Plan and meets the relevant tests.
109. A travel plan is sought by condition. The travel plan would secure a package of measures that aims to encourage travel that reduces the use of the car. The monitoring fee secured through the agreement would ensure the appropriate implementation of the travel plan. The sum requested does not seem unreasonable and would be required to be provided for a period of 5 years. The contribution is in accordance with Local plan Policies SP1, LP1 and SP31 and would accord with the CIL tests.
110. Taking account of all the information provided to the hearing, and for the reasons I have given I am satisfied that, the obligations in the s106 agreement are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the appeal development. They meet the statutory and policy requirements. I am therefore able to take them into account in my decision.

Habitats Regulations Assessment

111. The appeal site lies within the 1.5km buffer zone of the Breckland Special Protection Area (SPA), designated under the Conservation of Habitats and Species Regulations 2017 for its internationally important populations of Stone-curlew, Nightjar, and Woodlark. The SPA's conservation objectives are to maintain or restore the integrity of the site by safeguarding the extent, distribution, structure, and function of the habitats supporting these qualifying species, as well as the populations and their distribution within the site.
112. The proposed development is located well beyond 400m from any habitat suitable for supporting Nightjar and Woodlark. Given this separation, and the absence of suitable breeding or foraging habitat within the development footprint, it is concluded that there would be no likely significant effects on these qualifying features.
113. Stone-curlew, a summer migrant, breeds on open habitats such as heathland, grassland, and arable land. The appeal site is of low suitability for nesting due to its proximity to the A14 trunk road, where evidence indicates that breeding attempts within 500m are significantly reduced. The presence of the railway line and adjacent industrial land uses further diminish the site's suitability. Therefore, likely significant effects from displacement due to the proposals can be screened out at this stage.
114. However, suitable nesting habitat may exist within 500m of the site, subject to crop rotation and land management. Given the sensitivity of Stone-curlew to visual disturbance, noise, light pollution, and predation from domestic pets, and the fact

that the proposal would result in a net increase in built development and human activity, likely significant effects cannot be ruled out. Accordingly, an Appropriate Assessment is required to evaluate potential impacts on the integrity of Breckland SPA.

115. The appellants' ecological assessment recommends that construction and enabling works to be scheduled outside the Stone-curlew nesting season (April to September inclusive). However, due to the scale of the development, this may not be feasible. As such, targeted surveys within 500m of the site (excluding areas already covered by RSPB data) are proposed to identify any nesting Stone-curlew. Planning conditions could secure either seasonal restrictions or require surveys to confirm the absence of nesting birds prior to works commencing during the breeding season.
116. Noise mitigation measures include bunding and acoustic fencing, with further attenuation through acoustic cladding and louvres. The submitted noise assessment concludes that, with mitigation in place, there would be no adverse impact on surrounding receptors. Conditions would be necessary to secure these measures and ensure compliance with predicted noise levels.
117. The lighting strategy has been designed to minimise light spill beyond the site boundaries. The submitted lighting report confirms that lux levels are predicted to be negligible in adjacent areas. Planning conditions would secure the lighting design and impacts from light pollution can be effectively mitigated.
118. A dust risk assessment has been undertaken and predicts no significant effects. Dust emissions during construction can be controlled through a Construction Environmental Management Plan (CEMP), secured by condition.
119. The proposed development would be enclosed by bunding, acoustic fencing, the railway line, and the A14, which collectively limit the extent of human activity beyond the site. While improvements to public footpaths may result in some additional pedestrian movement, existing industrial uses already influence the baseline conditions and pedestrians would be confined to designated routes.
120. The potential for in-combination effects with other plans and projects has been assessed. Given the mitigation proposed, including seasonal restrictions, targeted surveys, and environmental controls, the development is unlikely to contribute to cumulative impacts affecting Stone-curlew.
121. Natural England (NE) was consulted by the Council and as the competent authority I have also consulted NE. NE raises no objection to the proposals subject to the implementation of appropriate mitigation as discussed above. As the competent authority, I have undertaken my own assessment and conclude that, subject to the conditions outlined above, the development would not adversely affect the integrity of Breckland SPA, either alone or in combination with other projects.
122. Accordingly, the proposal complies with Policy SP10 of the Local Plan, which identifies the 1.5km buffer zone around Breckland SPA and sets out requirements for assessing potential impacts on its qualifying features.

The Planning Balance

123. Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
124. The appeal proposal would be on greenfield land located in the countryside for policy purposes. While this may be termed an in principle policy conflict with Policy SP12, Policy SP24 is a permissive policy and supports the development of all types of business and enterprise in the countryside where criteria are met.
125. In this case, the adverse landscape and visual effects arising from the development are important matters, especially bearing in mind that despite some amelioration through mitigation it would endure in the long term. It is relevant though that the appeal site is largely defined by existing infrastructure, the viewpoints are localised and from many locations the development would be seen in the context of existing infrastructure and a busy road corridor. Even so, the conflict with Policies SP12, SP24 and SP7 is a matter to which I afford significant weight.
126. While recognising the economic and other benefits of BMVAL, as I have set out the economic and other benefits of the land are small and conflict with Policies SP12 and SP24 in this respect carries modest weight. The Council attributes substantial weight to the conflict with the development plan regarding these matters but based on my assessment these matters carry no more than significant weight. The site would be accessible in the terms set out in Policy SP24(f) and in relation to transport and noise issues would be policy compliant. Nevertheless, the proposals would conflict with the development plan taken as a whole.
127. I recognise that the development plan policies are framed to be flexible enough to accommodate needs not anticipated and to enable a rapid response to changing economic circumstances. However, the Framework also requires that decisions recognise and address the specific locational requirements of different sectors including making the provision for the expansion or modernisation of industries of local, regional, or national importance to support economic growth and resilience.
128. For the reasons I have already set out the economic and social benefits are consistent with national policy objectives and when taken together with the environmental benefits described, are of a scale and nature that justify giving them substantial weight in my decision.
129. The Council refers to the Shepherds Grove site, but its Economic Development team has not been able to assist the appellants in finding a suitable site. All sites with planning permission, allocated or likely to gain planning permission that could accommodate the scale and type of development proposed, have been considered through the sequential assessment.
130. Overall, in this case it is my judgement that the benefits of the scheme are substantial and are material considerations of a scale and nature that warrant a decision other than in accordance with the development plan.

Conditions

131. A list of planning conditions was included in the SoCGs and the conditions were largely agreed by the Council and appellants. These conditions were discussed at

the hearing. After the hearing closed the Council and the appellants provided a revised conditions list reflecting the hearing discussions about precision, enforceability and to ensuring conditions are not unduly repetitive. My consideration has taken account of paragraph 56 and 57 of the Framework and advice in the Planning Practice Guidance. I have amended conditions further largely to ensure precision and enforceability.

132. In addition to the standard time limit condition, I have included a plans condition for certainty. To protect the living conditions of residents, for highway safety during the construction phase of the development, to protect biodiversity and existing vegetation during the development period, to ensure Stone-curlew are protected, and to manage surface water during construction conditions 3, 4, 5 and 6 are required. The protection of existing trees and hedges has been incorporated into condition 4. Because of the potential for below ground heritage assets of archaeological importance a written scheme of investigation for archaeology is required by condition 8.
133. To ensure a satisfactory landform for visual reasons and to protect the soil as a resource during construction and in the long-term condition 9 is required. A biodiversity enhancement strategy is needed to protect threatened and priority species in accordance with section 40 of the Natural Environment and Rural Communities Act 2006. A landscape and ecology management strategy is needed to protect existing and future landscaping for visual reasons and to protect priority species in the long term (Conditions 23 and 24). Condition 10 is necessary to protect nesting birds; the condition has been re-worded to reflect the wording of the section 106 agreement. If any part of the development requires piled foundations or boreholes using penetrative methods condition 13 specifies that details shall be submitted to prevent risk to groundwater.
134. Conditions 7, 14, 15, 18, 19, 25, 27, and 28 are imposed in the interests of highway management, safety, and accessibility. The deliveries management plan (condition 18) has been extended to include the local highway network as the original condition intended. To secure the proper drainage of the site conditions 17 and 32 are necessary.
135. Details of materials, hard and soft landscaping are required to ensure that the development accords with the design and access statement and to ensure that the development has a satisfactory appearance (conditions 11, 12, and 16). Sample panels for the materials are sought but no environmental colour scheme is required as the proposed colour palette is broadly set out in the appeal details. Details of minor artefacts within the site are not needed as these would be minor visual elements within the site and lighting is controlled elsewhere.
136. To make certain that the fixed noise attenuation measures are provided and noise is minimised post occupation to protect residents and to protect the qualifying feature of the Breckland SPA by preventing disturbance to Stone-curlew, conditions 21, 22, 29, and 30 are required. A dust management plan (condition 20) and lighting scheme (condition 26) are required for similar reasons.
137. Condition 31 is imposed to ensure any potential land contamination is appropriately treated and condition 33 requires the achievement of BREEAM Excellent to secure the environmental performance of the proposed development.

Conclusion

138. For the reasons set out, I conclude that material considerations indicate a decision other than in accordance with the development plan. Therefore, the appeal is allowed subject to conditions.

Diane Cragg

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Sioned Davies	No5 Chambers – Barrister
Ewen McLeod	Dencora
Wendy Lancaster	Tyler Grange
Tony Kernon	Kernon Countryside Consultants
Clive Bentley	Sharps Acoustics
Will Fayers	Paul Basham Associates
Sarah Smith	Rapleys LLP
Jason Lowes	Rapleys LLP

FOR THE LOCAL PLANNING AUTHORITY:

Ruchi Parekh	Cornerstone Barristers - Barrister
Adela Luque	West Suffolk Council
Gary Hancox	West Suffolk Council
Samantha Robertson	West Suffolk Council
Dominic Fitzsimmons	Suffolk County Council
Dom Stagg	West Suffolk Council
Andrew Woodin	Suffolk County Council
Peter Bradfield	Suffolk County Council

INTERESTED PARTIES:

David Letley	Local Resident
Kate Carver	Local Resident
Jeremy Nunn	Local Resident
John Fairlie	Risby Parsh Council
Mike Burt	The Saxhams Parish Council
John Conway	Local Resident
Susan Humphries	Local Resident
Carolyn Conway	Local Resident
Chris Sutton	Local Resident
Paul Heady	Local Resident
Jeannie Llewellyn	AJN Employee
Susan Glossop	Local Resident

Schedule of conditions

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:
 - 1012.0003.005.P03 – Proposed Risby Public Right of Way Connections
 - 1012.0003.006.P03 – Proposed PROW Connection South
 - 1012.0003.007. P01 – Vertical Visibility Splay Location Plan
 - 1012.0003.008.P01 – Vertical Visibility Splays long sections
 - 1012.0003.009 – Proposed Risby PROW Connection Swept Path Analysis
 - B080 CMP PS-XX-DR-A-00120 PL1 – Production Shed Ground and First Floor Plans
 - B080 CMP PS-XX-DR-A-00121 PL1 – Production Shed Second and Plant Level Plan
 - B080-CMP-MS-00-DR-A-00100 PL1 – Merchant Shed Ground Floor Plan
 - B080-CMP-MS-01-DR-A-00101 PL1 – Merchant Shed First Floor Plan
 - B080-CMP-MS-02-DR-A-00102 PL1 – Merchant Shed Plant Plan
 - B080-CMP-MS-RF-DR-A-00103 PL1 – Merchant Shed Roof Plan
 - B080-CMP-MS-XX-DR-A-00120 PL1 – Merchant Shed Core Plans
 - B080-CMP-MS-ZZ-DR-A-00200 PL1 – Merchant Shed Elevations (North and East)
 - B080-CMP-MS-ZZ-DR-A-00201_PLI Merchant Shed Elevations (South and West)

B080-CMP-PS-01-DR-A-00101_PL1_Production Shed First Floor Plan
B080-CMP-PS-03-DR-A-00103_PL1_Production Shed Plant Level Plan
B080-CMP-PS-RF-DR-A-00104_PL1 – Production Shed Roof Plan
B080-CMP-PS-ZZ-DR-A-00200_PL1 – Production Shed Proposed Elevations (Wider)
B080-CMP-PS-ZZ-DR-A-00201_PL1 – Production Shed Elevations (Detail)
B080-CMP-PS-ZZ-DR-A-00202_PL1 – Production Shed Elevations (Detail)
B080-CMP-SI-XX-DR-A-00800_PL1 – Typical Boundary Fence Details
B080-CMP-SI-XX-DR-A-00801_PL1 – Typical Acoustic Fence Detail
B080-CMP-SI-XX-DR-A-00803_PL1 – Typical Green Roof Cycle Shelter Detail (6 spaces)
B080-CMP-SI-XX-DR-A-00804_PL1 – Typical Green Roof Cycle Shelter Detail (8 spaces)
B080-CMP-SI-ZZ-DR-A-00002_PL1 – Existing Site Plan
B080-CMP-SI-ZZ-DR-A-00004_PL1 – Existing location plan title overlay
B080-CMP-SI-ZZ-DR-A-00101_PL1 – Proposed Site Plan
B080-CMP-SI-ZZ-DR-A-00102_PL1 – Proposed Masterplan Extended PROW
B080-CMP-SI-ZZ-DR-A-00103_PL1 - Roundabout Details - PROW Access
B080-CMP-SI-ZZ-DR-A-00250_PL1 – Site Sections (Sheet 1)
B080-CMP-SI-ZZ-DR-A-00251_PL1 – Site Sections (Sheet 2)
LSDP 1847-01 Rev A – Tree Survey
LSDP 1847-02 Rev A – Tree Survey
LSDP 1847-03 Rev A – Tree Survey

Construction Management Plan

3. No development shall commence until a Construction Management Strategy has been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall include:
 - Routing of construction vehicles to and from the site;
 - Details of hours and days of working;
 - Access, parking and turning arrangements for contractors' and delivery vehicles;
 - A methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur.
 - The strategy shall include clear location, and layout plans of these facilities. The development shall only take place in accordance with the approved strategy.

Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity)

4. No development shall commence until a CEMP: Biodiversity has been submitted to and approved in writing by the LPA. The CEMP: Biodiversity shall confirm how it addresses the ecological mitigation recommendations in Section 5 of the Ecology Report submitted with the planning application (MHE Consulting, April 2023), and include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones.”
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including on trees and hedges and from lighting.
- d. The location and timing of sensitive works to avoid harm to biodiversity features including to avoid disturbing foraging Stone-curlew.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. details of protective fences, exclusion barriers and warning signs.
- i. measure to protect those trees and hedges on the application site that are to be retained (as set out on the approved plans and particulars) for the duration of the construction phase of the development.
- j. In conjunction with c. above details of the method to be used to protect trees and their root protection areas from any construction, installation, excavation of service trenches, building foundations, hardstandings, roads and footpaths proposed within the root protection areas (may be provided as a method statement).

The approved CEMP: Biodiversity shall be implemented in accordance with the approved details and adhered to throughout the construction period.

Ecology mitigation during construction

5. No development shall commence in the Stone-curlew breeding season (April to September inclusive) unless preceded by a Stone-curlew nesting survey that shall be carried out within the application site and a 500m buffer area around the site by a suitably qualified ecologist. If any Stone-curlew nests or actively breeding pairs are encountered, works shall not commence until a further survey confirms that any nesting attempts are concluded, and any chicks have fledged. Any records obtained during the surveys shall be supplied to the LPA, the RSPB and local biodiversity records office.

Construction Surface Water Management Plan

6. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the LPA. The CSWMP shall detail how surface water and storm water will be managed on the site during the construction phase of the development (including site clearance operations). The CSWMP shall include method statements and scaled and dimensioned plans and drawings detailing surface water management proposals.

The CSWMP shall be implemented in accordance with the approved details and thereafter managed and maintained as approved for the duration of the construction phase of the development.

Footpath - Risby

7. No development shall commence until scheme for the provision of a new footpath including any associated works between Risby and the site, as indicated in drawing ref: 1012.0003.005.PO3, shall have been submitted to and approved in writing by the LPA. The development shall not be occupied until the approved footpath scheme and associated works have been constructed in accordance with the approved details.

Archaeology

8. No development shall commence until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the LPA. The scheme of investigation shall include an assessment of significance and research questions; and:
 - 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 LPA.

The development shall not be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the LPA, in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition.

Soil

9. No development shall commence, including any site clearance, until a soil management plan has been submitted to and approved in writing by the LPA. The soil management plan shall consider the sustainable use of soil in accordance with the DEFRA guidance: "Code of practice for the sustainable use of soils on construction sites" and detail:

- a. The proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform.
- b. The handling, storage, or reuse of soil within the site, including aftercare and supervision.
- c. How soils will be protected and, where necessary, stored and managed on the site during construction and during the life of the development.
- d. A timetable for implementation.

The development shall be carried out in accordance with the approved soil management plan.

Skylark Mitigation Strategy

10. No development shall commence until a Skylark mitigation Strategy has been submitted to and approved by the LPA. The Strategy shall include:
- a) purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
 - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
 - c) locations of the compensation measures by appropriate maps and/or plans;
 - d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details, and all features shall be retained for a minimum period of 10 years.

Materials

11. No development shall commence above slab level until a sample panel of the materials to be used in the construction of the external surfaces of the buildings shall have been prepared on site for inspection and approved in writing by the LPA. The sample panel shall be at least 1 metre x 1 metre and show the full palette of materials (including roofing and cladding) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Hard Landscaping

12. No development above slab level shall commence until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the LPA. These details shall include (but not limited to) means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; and detail of a timeline for implementation of the scheme. The scheme shall be constructed in accordance with the approved details.

Piling details

13. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be undertaken within the development site unless and until details of foundation designs have been submitted to and approved in writing by the LPA. The foundation designs shall demonstrate that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Vehicle access and public highway works

14. No development above slab level shall commence until the existing vehicular access has been improved and the roundabout, provided, laid out and completed in all respects in accordance with Drawing No. B080-CMP-SI-ZZ-DR-A-00102 PL1 and B080-CMP-SI-ZZ-DR-A-00103 PL1; and made available for use. Thereafter the access shall be retained in the specified form.

Cycle parking

15. No development above slab level shall commence until details of the location of the cycle parking and shelters including for electric assisted cycles have been submitted to and approved by the LPA. The development shall not be occupied until the approved cycle parking has been provided and thereafter the cycle parking areas shall be retained, maintained, and used for no other purposes.

Soft Landscaping

16. No development above slab level shall commence until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the LPA. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development or within a time scale agreed as part of the soft landscaping scheme. 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.

Drainage scheme

17. No development above slab level shall take place until the strategy for the disposal of surface water within the Flood Risk Assessment (FRA) submitted with the planning application (dated 12th April 2023, ref: 65202317-SWE-ZZ-XX-

RP-C-0501) shall have been implemented. The development shall thereafter be managed and maintained in accordance with the approved strategy.

Deliveries Management Plan

18. The development shall not be occupied until a Deliveries Management Plan has been submitted to and approved in writing by the LPA. Measures within the plan shall include the route for all HGV deliveries to and from the site, details of vehicle tracking, CCTV, internal site signage and the establishment of a neighbour liaison committee. The development shall be implemented in accordance with the approved details before the development is brought into use and shall be operated in accordance with the Deliveries Management Plan for the lifetime of the development.

Off-site signage

19. No part of the development shall be occupied until a traffic management scheme to include road signage improvements on the off slip from the westbound carriageway of the A14 and on the local highway network to direct motorists and HGV's to and from the development, has been submitted to and approved in writing by the LPA, and the scheme has been completed in accordance with the approved details and has been certified in writing as complete on behalf of the LPA.

Dust management plan

20. The development shall not be occupied until a Dust Management Plan (DMP) has been submitted to and approved in writing by the LPA. The scheme shall, take into account the potential effects and mitigation in the Dusk Risk Assessment dated 24 July 2022. and the recommended content of DMPs in the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (May 2016). The development shall be implemented and operated in accordance with the approved DMP thereafter.

Noise

21. The development shall not be occupied until the following noise mitigation measures are provided:
- a. A 5m high acoustic fence in accordance with the acoustic fence detail on drawing B080-CMP-SI-DR-A-00801 rev PL1 along the northern boundary in the location shown in Figure A3 in Appendix A of the Sharps Acoustics report dated 1st July 2024 (SAR).
 - b. A 1.8m high acoustic fence in accordance with the acoustic fence detail on drawing B080-CMP-SI-DR-A-00801 rev PL1 along the northern and eastern boundaries in the location shown in Figure A3 in Appendix A of the SAR.

- c. A 5m high earth bund to the south of the site, located as shown in Figure A3 in Appendix A of the SAR.
- d. Acoustic cladding to all doors.
- e. Acoustic attenuators/louvres attached to ventilation openings.

The noise mitigation measures shall be retained and maintained for the lifetime of the development.

Noise management plan

22. The development shall not be occupied until a Noise Management Plan (NMP) has been submitted to and approved in writing by the LPA. The NMP shall accord with the noise modelling assumptions set out in the Sharps Acoustic report dated 1 July 2024 and shall include, as a minimum, details of the following:

- a. Details and timings of operations and activities permitted to be undertaken at the development site including details of loading and unloading of HGVs, movement and flipping of beams;
- b. Details of the method to be used to ensure that the flipping of beams only takes place within the buildings and on resilient plastic covered bearers or other resilient bearers with a similar or better dampening performance;
- c. Details of acoustic cladding to be attached to all doors, and acoustic attenuators/louvres attached to ventilation openings;
- d. Measure to ensure that Vehicles shall not be permitted to be left idling at the development site at any time;
- e. Measure to ensure that all external doors to the production shed and merchant shed shall remain closed between 2300 and 0700 hours. (This excludes internal doors between the production shed and the covered area from which vehicles are loaded);
- f. Measure to ensure that there shall be no use of tonal reversing alarms at the site at any time;
- g. Name of person(s) responsible for implementation of the NMP;
- h. Clear complaints procedure outlining how complaints shall be investigated, and what remedial action shall be taken and who is responsible for complaint investigation; and
- i. How documented record of all complaints shall be maintained and made available to the LPA if requested.

The development shall be operated in accordance with the approved NMP at all times.

Biodiversity Enhancement Strategy

23. The development shall not be occupied until a Biodiversity Enhancement Strategy for protected, priority and threatened species prepared by a suitably qualified ecologist is submitted to and approved in writing by the LPA. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance.

The strategy shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Landscape and ecology management plan

24. The development shall not be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the LPA. The content of the LEMP shall include the following:
- a. description and evaluation of features to be managed.
 - b. ecological trends and constraints on site that might influence management.
 - c. aims and objectives of management.
 - d. appropriate management options for achieving aims and objectives.
 - e. prescriptions for management actions.
 - f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g. details of the body or organisation responsible for implementation of the plan.
 - h. ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

Loading and parking areas

25. The development shall not be occupied until the areas within the site shown on the Proposed Masterplan Drawing Ref: 8080-CMP-SI-ZZ-DR-A-00102 PL1 for the purposes of loading, unloading, manoeuvring, and parking of vehicles have been provided. Thereafter the areas shall be retained, maintained, and used for no other purposes.

Lighting

26. The development shall not be occupied until details of a lighting scheme shall have been submitted to and approved in writing by the LPA. The scheme shall be based on the principles shown on indicative drawing no. 21-201-PL-EX-001 rev PL1 and shall:
- a. be in accordance with ILP Guidance Note:08/23 (Bats and Artificial Lighting at Night)
 - b. identify those areas/features on site that are particularly sensitive for nesting Stone-curlew and bats 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 Stone-curlew and bats using their territory or having access to their breeding sites and resting places
 - c. be in accordance with ILP Guidance Note GN01/21 The Reduction of Obtrusive Light, specifically for Environmental Zone 'E2' Rural. Lighting shall be minimised, and glare and sky glow shall be prevented by correctly using, locating, aiming, and shielding luminaires, in accordance with Guidance Note GN01/21.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme before the development is brought into use and maintained thereafter in accordance with the approved scheme.

Travel plan

27. The Travel Plan dated April 2023 shall be implemented in full upon first occupation of the development and subject to review as per the review process within the Travel Plan.

Cycleway/footway

28. The development shall not be brought into use until the footpath/cycleway as shown on drawings 1012.0003.005 P03 and 1012.0003.006 P03 connecting the site to Little Saxham Bridleway 1 to the east and Risby village to the north have been constructed to adoptable standards. The route shall be made available for public use and maintained for public use in perpetuity.

Post completion noise assessment

29. Within 12 months of the first operation of the buildings on site, a post-completion noise impact assessment (PNIA) shall be carried out, submitted to, and approved in writing by the LPA to confirm compliance with the sound criteria in Condition 30. Where the PNIA indicates the requirements of condition 30 are not being met, a scheme to provide additional measures to mitigate noise shall be submitted to and approved in writing by the LPA within 1 month of the PNIA's

findings and the additional measures shall be implemented within 3 months of the PNIA and thereafter be retained and maintained.

Noise restriction

30. The cumulative rating level of noise emitted from operational activities at the development shall not exceed the representative existing background noise level by more than +3 dB(A) during the daytime (07:00-23:00 hrs) and more than +0 dB(A) during the nighttime (23:00-07:00 hrs). The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptors(s), and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Contamination

31. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the LPA. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the LPA. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the LPA. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Surface Water Verification report

32. Within 28 days of practical completion of the development, a surface water drainage verification report shall be submitted to the LPA, 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, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

BREEAM

33. No later than 6 months after the first occupation of the development, a post-construction BREEAM certificate shall be submitted to and approved in writing by the Local Planning Authority confirming that the development has achieved a BREEAM rating of 'Excellent'. In the event that the initial post-construction assessment does not achieve the required rating, the developer shall undertake remedial measures to improve the building's performance. A revised post-construction BREEAM certificate confirming achievement of the 'Excellent' rating shall be submitted to and approved in writing by the Local Planning Authority within 3 months of completion of the remedial works.

