



Forest Heath
District Council

DEV/FH/18/018

Development Control Committee 5 September 2018

Planning Application DC/14/2096/HYB – Land at Station Road, Lakenheath

Date 24th November **Expiry Date:** 13th February 2016
Registered: 2014 (with extension).

Case Officer: Gareth Durrant **Recommendation:** Grant planning permission

Parish: Lakenheath **Ward:** Lakenheath

Proposal: Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

Site: Land North of Station Road, Lakenheath

Applicant: The Cobbold Family and Pigeon Investment Management.

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Background:

This application is referred to the Development Control Committee as it is a proposal for 'major' development. Furthermore the recommendation to grant planning permission is contrary to the provisions of the extant Development Plan. The proposal also raises complex planning issues.

This application has been considered previously by the Development Control Committee on culminating in a resolution to grant planning permission at its meeting on 7 June 2017.

The planning application is returned to Committee in the light of material changes in circumstances which have occurred since it reached its decision in 2017. In particular, a ruling earlier this of the Court of Justice of the European Union has changed the way in which decision makers must interpret and apply the specific provisions of the 'Habitats Regulations' (reference Case C323/17 - People over Wind, Peter Sweetman v Coillte Teoranta). The Court ruling also has knock-on implications for the way in which national planning policies are applied to this case and, ultimately, the way in which the Development Control Committee must approach and balance the material issues raised by the proposals. This is discussed further in the report.

This is a comprehensive and stand-alone Committee report prepared in the light of the decision of the European Court of Justice. No regard should be given to previous reports provided to the Development Control Committee with respect to this planning application. Furthermore, the Committee must consider the planning application again and reach a fresh resolution. No weight is to be given to the Committee's resolution to grant planning permission for the planning application proposals reached at its meeting on 7 June 2017.

The application is recommended for **CONDITIONAL APPROVAL following completion of a S106 Agreement.**

Proposal:

1. The planning application has been submitted in a 'hybrid' format meaning that full planning permission is sought for some elements of the scheme and outline planning permission is sought for other elements. Upon submission of the planning application in November 2014, the applicant sought full planning permission for all but 7 of the 375 dwellings (with the remaining 7 'self-build' homes submitted in outline).
2. The planning application was amended in September 2015. The proposals remain in a 'hybrid' form but the 375 dwellings proposed were changed from 'full' to outline with only the site access and a small length of the estate road behind it remaining in 'full'. References to community uses (other than the primary school) and 'self-build' homes were removed from the description. Opportunity was taken at this time to relocate the site of

the proposed primary school from the rear (north-west) to the front (south east) of the site. The amended planning application was accompanied by the following additional / amended documents:

- Concept Plan
 - Habitat Regulations Assessment
 - Addendum to the Design and Access Statement
 - Travel Plan
 - Ecology Report
 - 'Planning Responses' document (incorporating Drainage, Flood Risk and Highways information)
3. In November 2015 an amended version of the Habitats Regulations Assessment was received by the Council. The amendments were made in response to further concerns received from Natural England (these are set out and discussed later in this report).
 4. In December 2015, the Council received further information in response to comments and objections arising from public consultation in the form of an amended Travel Plan and amended Flood Risk Assessment. These documents were the subject of targeted consultation.
 5. In March 2016, the Council received a Tree Survey and Arboricultural Assessment. This has been the subject of public consultation.
 6. In April 2016 a bat survey of the trees proposed to be felled to make way for proposed vehicular access into the development was received and in June 2016 the applicant submitted 'Aviation Advice' with respect to the impact of aircraft movements associated with the RAF Lakenheath airbase upon the application site. These documents were the subject of a single public consultation from late June 2016.
 7. Also in June 2016, Suffolk County Council provided the District Council with a copy of the 'Lakenheath Cumulative Traffic Study' it had independently commissioned via its transport consultants. The study is not an 'application document' in the sense that it was not prepared and supplied by the applicants. The Study assists the District Council in its consideration of potential cumulative highway impacts arising from a number of potential development scenarios investigated. The document has also been the subject of separate public consultation.
 8. The amended planning application, which is predominantly for outline planning permission, is accompanied by a Concept Plan which illustrates how the land uses would be distributed at later Reserved Matter stage/s. The plan illustrates:
 - 14.9 hectares of land for residential development (which would include policy compliant levels of public open space to serve the dwellings).
 - 3.1 hectares of land for a new primary school.
 - 4.7 hectares of land for 'ecology'. This land would have a dual use to act as mitigation sites for reptiles currently using the site and strategic public open space, over and above normal planning policy

requirements. The public open space provided here would function as an 'over-provision' of open space to off-set/reduce recreational pressure upon the Special Protection Area and the nearby Maids Cross Hill Site of Special Scientific Interest (SSSI).

- Illustrative strategic footpath routes are shown
- Vehicular access to the site (which is proposed in detail as part of the planning application) is shown.
- An illustrative route for an internal distributor road is shown.

9. In July 2018 the applicants submitted a noise assessment.

10. The dwellings would be developed at a nett density of just over 25 units per hectare (375 dwellings across a 14.9 hectare site).

Application Supporting Material:

11. The following documents were submitted to support this application when it was registered in November 2014:

- Forms and drawings including site location, house-type and example street scene elevations, Arboricultural Impact Assessment Plan, affordable housing and open space locations plans, tree and vegetation survey, proposed site levels plan and landscape masterplan.
- Planning, Design & Access Statement
- Landscape Strategy
- Extended Phase I Habitat Survey
- Transport Assessment
- Phase 1 (Desk Study) Ground Contamination Report
- Tree Survey and Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy
- Draft Proposed Heads of Terms Document

12. Much of the information received with the planning application in November 2014 has since been amended or withdrawn. The following additional documents have been submitted to accompany or amend the planning application since its registration in November 2016:

September 2015

- Concept Plan
- Habitats Regulations Assessment
- Planning, Design and Access Statement Addendum
- Travel Plan
- Ecology Report
- Planning Responses (Utilities)

November 2015

- Habitats Regulations Assessment (amended from the September 2015 version)

January 2016

- Flood Risk Assessment
- Residential Travel Plan

March 2016

- Tree Survey and Arboricultural Assessment (addendum)

May 2016

- Bat report.

June 2016

- Aviation Advice

August 2016

- Amended Tree Survey

July 2018

- Noise Assessment

Site Details:

13. The site is situated to the north of Lakenheath. It is approximately 22.8 hectares in size, is presently in agricultural use (Grade 3) with two small groups of farm buildings. It has a tree-belt lined frontage onto the highway of Station Road. A further belt of trees is situated alongside part of the western site boundary. The tree belt to the west of the site (together with trees on the side and front boundaries of the adjacent land, outside the application site) are protected by Tree Preservation Orders.
14. The application site is situated outside but partly abuts the settlement boundary of Lakenheath. The settlement boundary terminates at part of the west site boundary. The site is presently considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.
15. The site frontage has the benefit of a mature landscaped frontage of mixed species, including pines. Some low density housing abuts part of the west boundary. The rear (north) and part west boundaries (the rear most part of the west site boundary) face open countryside. The north boundary is straddled by a banked cut-off channel. Part of the north-west corner of the application site is within the identified floodplain to the channel (predominantly Zone 3 with some Zone 2). The bulk of the village settlement and all key village facilities are located to the south of the site.
16. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area designation begins to the south-west (on the opposite side of Station Road) and moves south, away from the application site.

Planning History:

17. Other than an approval in the 1990's for the erection of an agricultural building and a refusal in the mid 1970's for an agricultural workers' dwelling, there are no historic planning applications relevant to this site.
18. In March 2018, an application for planning permission for the phased delivery of a 420 place primary school and a pre-school facility was submitted by Suffolk County Council. The planning application will be determined in due course by Suffolk County Council (FHDC reference DC/18/0644/CR3; SCC Reference SCC\0021\18). Forest Heath District Council is a consultee.
19. Earlier this year in June, planning permission was granted for the construction of a new access road for proposed primary school (DC/18/0246/FUL).
20. There are a number of other planning applications for large scale residential development around the village (and at Eriswell) all of which presently remain undetermined. These applications are considered relevant to the consideration and determination of this planning application insofar as their combined (or cumulative) impacts require consideration. The planning applications are set out in the table below:

Ref	Application Reference.	Address.	No. of dwellings.	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application is the subject of this Committee report.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	To be re-considered by the Development Control Committee.
C	F/2013/0394/OUT	Land west of Eriswell Road, Lakenheath	Up to 140	To be re-considered by the Development Control Committee.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	To be re-considered by the Development Control Committee.
E	DC/18/0944/FUL	Land off Earls Field, Lords Walk (adjacent RAF Lakenheath)	52	Planning application deemed refused following failure of the applicants to follow required EIA processes.
F	DC/16/1360/OUT	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Planning application received 1 st April 2016 but not registered at time the report was prepared. Some public consultation carried out by developer in January 2016.

Consultations:

21. The planning application has been the subject of five separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015, iv) June 2016 and v) in July 2018. Other targeted consultation was carried out in January 2016 following receipt of an amended Travel Plan and Drainage Strategy and again in March 2016 following receipt of arboricultural information. Further (and separate) public consultation was carried out in June 2016 following receipt of the 'Lakenheath Cumulative Traffic Study'. The following is a summary of all responses received;
22. **Environment Agency** (January 2015) – **no objections** – and comment that the submitted Flood Risk Assessment demonstrates the proposed development could be achieved without the risk of flooding, that surface water run off rates will be restricted so they do not increase post development and that there is sufficient space on the site to provide the required attenuation capacity.
23. The Agency were, however, disappointed that underground tanks beneath the public open space have been utilised with what appears to be no consideration of more sustainable methods (e.g. detention basins, bio-retention basins, etc.). The Agency suggests the Flood Risk Assessment should include more detail on how the design has been reached, including any constraints faced. The Agency is particularly disappointed that no SuDS drainage system is apparently proposed for the school drainage scheme.
24. The Agency concluded there is nothing technically wrong with the submitted drainage scheme, but the Flood Risk Assessment fails to demonstrate the applicants have attempted to make the most of what SuDS can offer and thus reduces the sustainability of the development. The Agency recommends the Flood Risk Assessment is re-visited to provide greater clarity on why higher hierarchy SuDS have not been included.
25. Further advisory comments are provided for the benefit of the applicant/developer and conditions are recommended to address i) surface water run off rates, ii) precise details of the surface water drainage scheme, iii) remediation of any contamination present, and iv) protection of ground waters during construction (controlling techniques for providing the building foundations).
26. In October 2015, following a second round of consultation (including a revised Flood Risk Assessment), the Agency commented they were pleased to see that a wider selection of SuDS options had been considered and repeated its previous (January 2015) request for conditions.
27. **Anglian Water Services** (January 2015) – **no objections** and comment that the sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development. They also point out that development will lead to an unacceptable risk of flooding downstream and therefore a drainage strategy will need to be prepared to determine mitigation measures. A

condition is requested to this effect. Anglian Water also advises it has assets close to or crossing the site and request inclusion of an advisory note on the Council's decision notice.

28. **Natural England** (January 2015) – officers interpreted their comments as **objections** to the planning application. Natural England are concerned the consultation material does not include a Habitats Regulations Assessment that includes consideration of impacts of the development upon the nearby Breckland Special Protection Area (direct and indirect impacts).
29. Further comments were received in June 2015 after Natural England had given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 20 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maids Cross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
30. Following re-consultation on a Habitats Regulations Assessment, Natural England (October 2015) maintained its **objections** to the proposals on the grounds the submitted Assessment did not take account of nesting records in sufficient detail and recreational disturbance is not appropriately detailed. Natural England recommended further specialist analysis is carried out and reported.
31. Following a further re-consultation on an amended version of the Habitats Regulations Assessment, Natural England confirmed (in December 2015) the revised document had adequately addressed their concerns and confirmed it **no longer objects** to the proposals. In particular, Natural England commented that:
 - In our response of 27 January 2015 we noted that the proposed development sits partly within the Breckland SPA stone curlew nest attempts buffer and therefore nest records would need to be obtained and assessed in order to obtain sufficient information to inform a habitats regulations assessment. Following receipt of the HRA supporting information, we subsequently advised (in our response of 16 October) that the report did not analyse the nest attempts data or the information from the Habitats survey to a sufficient degree. Furthermore we explained that the section on recreational disturbance was not sufficiently detailed, either in terms of effects to the birds within the nest attempts area or in terms of in-combination effects to the SPA. Therefore on the basis of information provided, Natural England advised that there was insufficient information to rule out the likelihood of significant effects.

- However following review of the updated HRA document we are now satisfied that sufficient detail has been provided on all of the above points. The report now contains more detail on the locations and age of the data, as well as further discussion on potential effects to birds and habitats in these locations. It also contains further discussion concerning the habitats survey, recreational effects and the measures put in place to encourage residents to use the application site and the strategic green infrastructure for recreation. We are also satisfied that in-combination and cumulative effects to Breckland SPA have now been covered in sufficient detail. Natural England also reviewed a draft of the HRA report prior to its submission to your authority and all our advice concerning necessary changes to the document were taken into account; therefore we now consider that all our concerns have been addressed.
- Natural England is mostly concerned with records up to 5 years old within 1km of an application site. It was clear after reviewing the updated document, and following useful discussion with the Ecology team, that the nearest records to the application site were old, and furthermore that nests at a greater distance would not be likely to be affected due to the position of the nests and measures put in place to encourage residents to use alternative areas for recreation. It is also, in our view, sufficiently far from Breckland SPA to be unlikely to lead to direct effects to the SPA, and we are satisfied that it is not likely to lead to a significant rise in visitors to the SPA following review of the updated HRA report.
- Therefore, taking all the above into account, Natural England is now satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. We therefore have no further issues to raise regarding this application and do not consider that an appropriate assessment is now required.

32. On 15th March 2016 **Natural England** wrote to the Council to advise the following:

- *We would like to review the nest records again as our bird specialist has been reviewing all the cases in the east of Lakenheath following further information on the two Broom Road sites. Since there is still so much uncertainty concerning the reduction in stone curlew nesting density near built development we haven't yet reached a conclusion on those proposals. With this in mind the bird specialist team, with Footprint Ecology, have been working on a planning tool to calculate whether a development is likely to have an effect on stone curlews associated with Breckland SPA and if so whether mitigation may be appropriate. We think it would be beneficial to put all three applications, including this application, through the model to make sure that our advice is consistent between the three applications and so we can provide advice on the potential for cumulative and in-combination effects in Lakenheath. With this in mind, I hope you will be able to*

delay a decision regarding Land North of Station Road until we have input all three proposals into the planning model and reached a conclusion.

33. In May 2016, **Natural England** confirmed “we’ve looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA. Accordingly, Natural England reverted back to the position it took in December 2015 (paragraph 31 above).
34. **Suffolk Wildlife Trust** (December 2014) – comments (interpreted by the case officer as **objections**) – the Trust did not consider potential impacts upon European/National designated sites, but on protected species at the application site only and, having considered the ecological survey report, noted that parts of the site were considered suitable for reptiles and amphibians and recommends further surveys are undertaken for these species groups. The Trust considers the outstanding ecological information should be obtained prior to the determination of the planning application. Furthermore, the Trust consider that any development at this site should deliver ecological enhancements as part of the design, layout and landscaping. The Trust concludes by stating that the combined impact of all the developments proposed at Lakenheath, such as in the case of green infrastructure, needs to be adequately considered by the Local Planning Authority in determining the planning applications. It should be ensured that sufficient provision of green infrastructure is secured in order to enhance the village.
35. In December 2015, following re-consultation, the **Suffolk Wildlife Trust** considered the Phase 2 Ecological Survey Report (September 2015) and returned with **no objections** to the amended proposals, subject to the imposition of conditions. The Trust note the discovery of a medium population of common lizard and a low population of grass snake and comment that, without mitigation, the development would have an adverse effect upon these species. Given the findings of the survey, the Trust recommends that a Reptile Mitigation Plan is provided for the development and is secured via a suitably worded planning condition. The Trust repeats its view that the development should also secure ecological improvements (no just mitigation of impacts) and that strategic green infrastructure provision for the village needs to be considered given the number of planning applications for significant development currently under consideration.
36. **RSPB** (January 2016) – **objects** to the planning application on the grounds that the built development would stray into the 1.5km buffer which protects recorded Stone Curlew nests outside of the Special Protection Area. The Charity suggests their objections would be addressed if none of the built development were to be provided within the buffer, by retaining those parts of the site which are situated within the buffer as green infrastructure.
37. **Defence Infrastructure Organisation** (January 2015) – **no objections**, but suggests the Local Planning Authority (and applicants)

note that due to the location of the dwellings residents will see and hear aircraft.

38. In July 2016, following receipt of the 'Aviation Advice' document from the applicants and the 'Lakenheath Cumulative Traffic Study' on behalf of Suffolk County Council (Highways), the **Defence Infrastructure Organisation** again raised **no objections** to the planning application and provided the following additional comments;

- The application site occupies aerodrome height, technical and bird strike statutory safeguarding zones surrounding RAF Lakenheath and is approximately 2.97km to the north west of the centre of the runway.
- The site also occupies aerodrome height and bird strike statutory safeguarding zones surrounding RAF Mildenhall.
- We have reviewed the additional information and I can confirm that this information does not alter our safeguarding position; we have no statutory objections to this application.
- In our original response we advised that the proposed properties will be exposed to military aviation noise. Whilst we have no statutory safeguarding concerns, my colleagues in the town planning and Safeguarding Department noise policy areas of the MOD are reviewing the Aviation Advice report and will be submitting separate comments.

39. Shortly after the above summarised comments were received from the **Defence Infrastructure Organisation** (DIO) on behalf of the Ministry of Defence, the following comments were received from the planning team within the DIO;

- Please be advised that this email represents a holding response in connection with this application.
- I am aware that the DIO Safeguarding Department submitted representations in connection with this application on 19th January 2015. Whilst the Ministry of Defence (MoD) did not raise any safeguarding objections to the proposed development, this would not imply that the MoD do not have any concerns regarding the proposed development. Indeed, despite of the Safeguarding Department's statutory position, they did identify that noise would represent a material consideration in this case.
- I believe that the Applicant has recently submitted an 'Aviation Advice' report (dated 7th June 2016) in support of his/her application; however, this does not satisfactorily address the issue of noise.
- Accordingly, the DIO, on behalf of the MoD, would like to request that a Noise Impact Assessment is submitted in support of this application. This is to ensure that the Local Planning Authority are in a position to fully consider the impact of noise from RAF Lakenheath on the proposed development, in which case they can objectively assess any concerns

that might be raised on such grounds, including those of the MoD.

- Following the submission of the requested Noise Impact Assessment, the MoD would appreciate the opportunity to review its content and be afforded with an opportunity in which to provide comments on this document.
- In advance of the above undertaking, the MoD would respectfully request that the Applicant, or their appointed noise consultant, engage further with the MoD in order to confirm the scope and methodology (and timing) of the Noise Impact Assessment. Accordingly, it is advised that the Applicant or noise consultant contacts me in the first instance and I will co-ordinate this on behalf of the MoD.
- Notwithstanding the above, at this time I cannot comment as to whether or not the MoD has any further concerns with regard to the proposed development. I will need to review the proposals in detail with DIO/MoD colleagues before a formal opinion can be made in this regard

40. **Defence Infrastructure Organisation (DIO)** on behalf of the **Ministry of Defence** – submitted further representations in August 2016. The DIO **objected** to the application. Their comments are summarised as follows:

- In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include: the potential noise levels that the future occupants of the proposed dwellings and school children will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.
- Around civilian airports, there have been numerous reports prepared that demonstrate that aircraft noise can have a detrimental effect on a child's learning capacity.
- The application site is located directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. The operational flying activity undertaken at RAF Lakenheath will likely constitute a source of noise disturbance to the local area for a number of reasons. The issue of noise should constitute a material planning consideration in respect of the Local Planning Authority's assessment of the proposed development.
- The planning application is not accompanied by a Noise Impact Assessment, but instead relies upon an Assessment prepared in support of planning application DC/13/0660/FUL (Land at Briscoe Way, Lakenheath). The DIO sets out a number of criticisms in regard to the noise assessment. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath and fails to address the issue of noise in connection

with the application site and proposals. The DIO suggests the planning application should be accompanied by a site-specific noise assessment.

- The DIO also criticises the 'Aviation Advice' report (7th June 2016) and its addendum, dated July 2016, and challenges the credibility of its author.
- The DIO do not believe the Local Planning Authority are currently in a position where it can fully consider the impact of noise associated with the operational aircraft flying activity associated with RAF Lakenheath on the proposed development. It is suggested that planning permission should be refused as a consequence, but the DIO are prepared to leave this consideration to the Local Planning Authority.
- With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO asks that the applicant is requested to undertake a vibration assessment and submit this with the planning application, before it is determined.
- The DIO also asserts that, if planning permission is granted, the occupants of the proposed dwellings and the school children would be at greater risk of 'incursion' in the event of an aircraft emergency, in comparison to the existing agricultural land use.
- It is the contention of the Ministry of Defence that any proposals which would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.

41. In February 2018, the **Defence Infrastructure Organisation** wrote to confirm that its position on the planning application had changed and this is now as set out in the Statement of Common Ground dated August 2017 for the Forest Heath Single Issue Review of Policy CS7 and the Site Allocations Plan. A copy of the Statement of Common Ground is attached to this report as Working Paper 2. The DIO requests that an advisory note is attached to the planning permission to inform the developer and future occupiers that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties. The DIO also requests that planning conditions relevant to aircraft noise agreed and set out in the Statement of Common Ground are included on any planning permission granted.
42. **NHS Property Services** (March 2015) – **no objections** to the planning application and no request for a contribution to be used towards health infrastructure. These comments were repeated in October 2015 upon re-consultation.
43. **NHS Property Services** (February 2016) – upon reviewing the planning application considered the proposals would place additional pressures upon local NHS services beyond their capacity and requested a developer contribution of £123,420 to be used towards increasing the capacity of the

local GP surgery.

44. **Lakenheath Internal Drainage Board** (December 2014) - **no objections** on the basis of the submitted SW drainage strategy.
45. **FHDC (Environmental Health)** (January 2015) – **no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, and ii) to investigate and mitigate potential cumulative impacts upon air quality. Further comments were included regarding sustainable construction and design with a conclusion that an application for development of this scale should be accompanied by an energy and water strategy/statement within or separate to the design and access statement.
46. **FHDC (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms and attic rooms, hours of construction, construction management and restricted hours for use of generators.
47. In August 2016, the Council's **Public Health and Housing** officers prepared an advice note. The following comments were included:
 - PHH were consulted and in January 2015 raised no objections. The potential for noise complaints during development of the site was reduced by conditions for the hours of construction, construction management and restricted hours for use of generators.
 - Our comments were repeated in July 2016 following consultation with respect to the applicant's 'Aviation Advice'.
 - The approach that PHH has taken is to consider the (noise level information available in the survey available for RAF Lakenheath) Aviation advice available and a noise assessment report from a nearby development. The contours relating to RAF Lakenheath for more excessive noise from aircraft activity do not cover the area of land being proposed for development through this application. It was considered appropriate at this time to require compliance with the WHO guidance and the BS8233 standards on maximum noise levels, to be achieved through design and construction, and this would suffice in protecting the residents of the new development. Furthermore, there are estates in the nearby vicinity that are exposed to similar levels of aircraft noise and with possibly less attenuation through their construction.
 - Whilst Richard Buxton [*on behalf of the Parish Council*] is stating precedent in terms of a previous planning decision being quashed, because it was determined without all of the available information, we believed at the time of consultation that sufficient noise information was available to make our comments. It is my understanding the appeal decision [*discussed in Mr Buxton's letter on behalf of the Parish Council*] relates to the very large, busy, commercial airport of Manchester International airport where numerous flights to and from the airport are undertaken throughout the day. Flights to and from RAF

Lakenheath are significantly lower in number and a comparison of noise arising from the two may not be reasonable.

- Within our response to the DC/13/0660/FUL application we recommended 'the proposed properties on the development shall be protected internally from environmental noise and the times of construction shall be reasonable'. This is similar to the development under debate. Our recommendations to protect the internal areas of the developments shall be sufficient relating to the aircraft noise.
- From experience, subjectively, the noise levels from aircraft returning to the base are significantly lower than from those of aircraft taking off and the noise durations are relatively short, i.e. it could be measured in seconds to minutes rather than hours. I accept an extrapolation figure of 65.7dB relating to the 62.1dB figure. Even at 65.7dB the suggested conditions in the consultation response will provide the dB reduction to LAeq(16hrs) of 35dB for daytime and an LAeq(8hrs) 30dB for night time. There is also a possible restriction on how extremely accurate noise levels can be obtained because the acoustic consultants are restricted on how many noise measurements they can undertake. It is possible at the same location where the 62.1dB measurement was obtained a different lower level could possibly been read on a different day.
- The MOD is changing its initial position, which was deemed to be no objection. It is now requesting a Noise Impact Assessment and time to consider it. This would be something for the planner to consider. We are of the opinion the habitable areas of properties within the development can be protected against external environmental noise and do not see the need for any further assessments. We have tried to take a pragmatic and proportionate approach, as stated in the officer's report *[August 2016 report]*.
- Point 13 of the Buxton letter discusses national planning policy and noise levels above 60dbA potentially contradicting this. As mentioned in the report, refusal on the grounds of aircraft noise may set a precedent that would make further development even more challenging.
- Some key points to the planning officers report:
 - The MOD noise contour map confirms the application site is less affected by noise than other parts of the village, particularly areas to the south of the village which are closer to the base runways and jets taking off (when there is more noise).
 - In light of the above, it is considered the application site is suitable for a development of new housing and a primary school and it is the view of your officers it is not fettered by aircraft noise to the extent that a refusal of planning permission on these grounds should be considered.

- Indeed, if the application site is considered unacceptable for development because of the noise climate, it is also likely that all other parts of the village, Eriswell, and parts of Brandon and Mildenhall (and possibly elsewhere) would also be inappropriate for housing development. It is considered the pragmatic approach adopted by the Council's Public Health and Housing Team to apply planning conditions to limit the noise climate within the proposed buildings (through design and construction techniques) is an appropriate and proportionate response to the aircraft noise issues which are material to the proposals.

- Notwithstanding the overall conclusions about the impact of aircraft noise on the proposed development, the fact the external areas of the site cannot be fully mitigated from aircraft noise is a dis-benefit of the proposals to be taken into account in the overall planning balance.

48. In April 2017, the Council's **Public Health and Housing** officers confirmed they continued to retain **no objections** to the application proposals and provided the following comments:

- Public Health and Housing have carefully considered the NIA's that have accompanied the applications and feel they are fit for purpose. Whilst the MOD have highlighted some concerns in some of the reports, in that there is no night time noise assessment's (there are no routine night flights) and that the distances to the air bases are slightly out, these have not fundamentally changed our responses to each of the applications.
- In light of the concerns shown and in consideration of the protection of the future residents we will be taking the same approach to all applications recommending acoustic insulation levels be included as a condition (to applications that are under the noise contours), along with the applicant presenting a post completion acoustic test to demonstrate that the building has been constructed to a level required in the condition.
- The flights are mainly during daylight hours with some starting at 06:00hrs, however there are reduced number of sorties in the winter and in inclement weather, with none during night time hours or at weekends (except in exceptional circumstances). The MOD have recommended that each application carries out a vibration test, however we have to my knowledge, not received a single complaint of vibration from any resident and would feel that this could be deemed as onerous.

49. In July 2018, following consultation on the applicants noise assessment, the Council's **Public Health and Housing Officers** raised **no objections** to the planning application and provided the following comments:

- Subject to the advice provided below and adoption of appropriate conditions at full application and development stages I could support the outline applications.

- I accept the updated noise assessment in respect of the methodology and time periods for noise monitoring of existing road and aircraft impacts.
- With respect to road and aircraft noise in response to any planning approval conditions are required (sound insulation and a demonstration that sound reduction has been achieved).
- With respect to mitigation options for road traffic on the B1112 I agree with the proposal for a 1.8m close boarded fence along this boundary and the requirement to appropriately orientate bedrooms of dwellings along this boundary away from direct line of sight of the road. This should be conditioned.
- Further conditions requiring a construction method statement, including hours/restrictions for construction activities and generator use are recommended.

50. **FHDC (Leisure, Culture and Communities)** (January 2015) – **no objections** – and commented upon the open spaces shown on the submitted layout drawings (recommending amendments and standards). The layout has since been withdrawn from the planning application (dwellings converted from 'Full' to 'Outline') so these comments have become redundant.
51. **FHDC (Strategic Housing)** – **supports** the planning application given it will provide much needed affordable housing. The team are content the proposals are in accordance with Core Strategy policy CS9 (30% affordable housing, 70% of which would be for rent). The precise mix would need to be agreed at Reserved Matters stage.
52. **FHDC (Ecology, Tree and Landscape Officer)** – (February 2016) **objects** to the planning application in the light of incomplete information with which to properly consider the potential 'in-combination' impacts of the development upon nature conservation interests. Once full information is received and can be assessed, consideration will be given to whether the objection could be withdrawn. *[The representations included a lengthy advice and comment which has not been included within this report, given the comments have since been superseded in the light of the receipt of an EIA Screening Direction from the Secretary of State and the Lakenheath Cumulative Traffic Study.]*
53. In July 2016, the Council's **Ecology, Tree and Landscape Officer** provided further commentary with respect to the planning application. The previous objections expressed in February 2016 were withdrawn. The officer has **no objections** to the proposals, subject to various mitigation measures being secured by condition and/or S106 Agreement. At this time the Ecology, Tree and Landscape Officer screened the proposals under the provisions of the Habitats Regulations and concluded 'Appropriate Assessment' of the implications of the project upon the features of the European protected sites is not required in this case. This has since been

overtaken by events and an appropriate assessment of the project has been undertaken (attached as Working Paper 1). The following comments were received:

Vehicular Access

- Access will need to be created through the existing protected tree belt located to the north of Station Road. The trees along with other significant trees on the site are protected by TPO 003(2016). The order was served to protect the trees from precipitous removal as a result of the proposed development proposals. The trees are important because these mature tree belts and pine lines on the edge of Lakenheath are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value and form a gateway to the village when approaching along Station Road.
- Revised arboricultural information has been submitted which shows the impact of the proposed new access into the site. There will be a loss of approximately 11 trees, shown in the survey to be category C trees. There are no details of the tree works required to secure the entrance sight lines and this information should be conditioned along with further information on arboricultural method statements and tree protection.
- The woodland belt bordering the site has been noted as being important for bats and section 2.27 of the phase 1 report notes that some trees have been noted to contain features attractive to bats. The biodiversity study assumes that the woodland is to be retained however this is not totally accurate.
- The trees to be removed were further screened to determine their bat roost potential. Although the risks are assessed to be low, recommendations were made on a precautionary approach to any tree works to further reduce any risks of harm to bats or breeding birds.
- Recommend that:
 - details of the tree works required to secure the entrance sight lines be conditioned along with further information on arboricultural method statements and tree protection.
 - The recommendations of the bat assessment (Applied Ecology letter of 6 May 2016) are implemented in full.

Outline for wider site

Biodiversity

- A biodiversity report has been submitted to support the application. The most notable habitats on site were the grassland located in the south east corner. This area of grass is encompassed in the ecology zone and therefore could be retained including during the construction

period. The ecology zone would include signage, information boards, paths and will feature circular routes. These should be designed so that they are not in conflict with the conservation and management of reptiles on the site.

- Reptiles are likely to be impacted by the proposals and a mitigation strategy should be conditioned. This has been requested by SWT. They have in particular requested that any mitigation strategy details:
 - the measures required to ensure that the receptor area is in suitable condition to support the identified reptile populations prior to translocation taking place;
 - the translocation methods to be employed;
 - the long term management measures for the receptor area required in order to maintain its suitability for the reptile species present (ensuring that populations sizes at least equivalent to those currently present are maintained);
 - a monitoring strategy to assess the long term viability of the reptile populations present, and;
 - the plan should include appropriate review periods for the management of the receptor site to ensure that it remains in favourable condition for reptiles. Such reviews should be undertaken by a suitably qualified ecologist.
- The tree survey shows a large number of trees to be felled, however in light of the changes to the proposals (from a full application to an outline application) this level of felling may not be necessary and is in any case not supported. This should therefore be reviewed alongside any new site layout. The current proposals for felling should not form part of any planning consent. This is particularly important given that these proposals include the felling of a protected pine line, considered to be a feature characteristic of this landscape, which could be retained with good master-planning. In addition any trees to be removed should be assessed for potential impact on bats.

Bats

- Further information is required in relation to bats. Bat survey is required in association with the tree removal plan (for the whole of the site) however this could be submitted at a later date to support the reserved matters application. A lighting mitigation strategy for bats will also be required.

Maidscross Hill SSSI

- The proposals have not been assessed in respect to any additional impact on Maidscross Hill SSSI through recreational pressure. The supporting information to the Habitats Regulations Assessment is clear

that there will be additional visits to Maidscross Hill as a result of development at the North of Lakenheath. However measures have been presented to provide an alternative natural open space for the north of Lakenheath to mitigate for this.

- Other destinations within walking distance could be made accessible and promoted to the new residents of the development and the existing residents of Lakenheath. Public access along the Cut-off Channel would provide a valuable alternative recreational asset. The proposed development will provide a link to the Cut-off channel along Station Road to enable a circular walk.

Impact of the proposals on Breckland SPA and SAC

- The application site is in close proximity to a European designated site (also commonly referred to as a Natura 2000 site) which is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Breckland Special Protection Area (SPA). This includes Breckland Farmland Site of Special Scientific Interest (SSSI) which is notified at a national level. The site is also close to Breckland SAC
- Breckland Special Protection Area (SPA) supports internationally important populations of Stone Curlew, Woodlark and Nightjar. Breckland Special Area of Conservation (SAC) is designated for the habitats supported which in this case are heathland and calcareous grassland.
- The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2010 (as amended).
- Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
- The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI. This site is within the fenced airbase with no access for the public and no risk of impacts from fly tipping, trampling or other anti-social behaviour.
- The development is located outside of the SPA and is outside of the 400m constraint zone for Woodlark and Nightjar and the 1500m Stone Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA

process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with Stone Curlew survey of the development site and surrounding farmland.

- The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.
- In his report prior to the adoption of the FHDC Core Strategy, the Inspector who examined the document in public confirmed that the constraint zones are not no development buffers; he stated in paragraph 10.6 relating to development within the constraint zones that if development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable. In Paragraph 10.7 he goes on to say that evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be taken to help maintain or even increase bird populations. This may not be scientifically robust but it reinforces the point made by some that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species.
- There is some flexibility in detailed design to avoid built development in the constraint zone although this would need to be balanced against the need to also provide informal supervision of the open space by overlooking dwellings for user safety. The southern section within the constraint zone would fall within the area set aside for the school development. There will also be flexibility to plan this element of the development to potentially avoid built development in favour of other land uses such as playing fields, however this will need to be balanced against other issues such as the noise attenuation that would be provided by the school building. This matter will be assessed in detail as part of the HRA to support the reserved matters and the HRA to support the planning application for the school.
- The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The concept plan for the site shows an ecology buffer located to the north and east of the development site; there is potential for this land to be designed such that it provides suitable alternative natural green space which would divert the public from travelling to use the SPA as their local green space. The buffer would also support pedestrian access and link to other footpaths. This would provide opportunities for dog walking routes within the site; such routes are indicated on the concept plan; a walk around the periphery of this site and the adjacent Rabbithill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by

the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity and delivery program of all the public open space to be delivered must form part of the remedial matters secured by condition.

- The site is connected to the Public Rights of Way (PRoW) network by Sandy Drove; located to the south east of the site. This PRoW connects to Poshpoors Fen and the farmland beyond. An obvious circular walk which would be attractive to dog walkers leads to Maidscross Hill SSSI and LNR and potentially returns via village roads; a distance of approximately 5km which is somewhat longer than would normally be regarded as a daily walk. There is currently no footpath link between the site and the village centre as the existing footpath on Station Road terminates close to Drift Road; however it is anticipated that a walking route to the village would be part of the proposals and could be secured by condition or legal agreement.
- The concept plan shows a pedestrian link into the agricultural land to the north west of the site however there is currently no PRoW in this area and connectivity here cannot be relied on. An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill could be created if a footpath was secured along Station Road to the Cut Off Channel and then using the existing PRoW on Whitefen Track and via Sharpes Corner. This route would need to be secured by a legal agreement. An additional link to Lakenheath Fen would also be beneficial if it were achievable.
- The in-combination effects of the project have been considered. Planning applications registered with the local planning authority and being considered in Lakenheath at the current time including projects published for consultation but prior to application:
 - a) Rabbit Hill Covert, (81 dwellings)
 - b) Land West of Eriswell Road, Lakenheath (140 dwellings)
 - c) Land off Briscoe Way (67 dwellings)
 - d) Land North of Broom Road (132 dwellings)
 - e) Land adjacent to 34 Broom Road (120 dwellings)
 - f) Land North of Station Road (375 dwellings and a school)
 - g) Land at Little Eriswell (550 dwellings and a school)
- The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an impact; for this number of dwellings within the settlement, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.

- Natural England's internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.
- The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by stone curlew; for the application site this has been assessed and measures identified therefore in-combination effects on this matter need no further consideration. The main concern is that residents from all of the sites drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation and in particular to exercise their dogs in the absence of accessible local green space. Natural England has recommended that the provision of additional natural green space in the settlement which is well connected to the existing PRow network would divert residents from using the SPA in this way. The proposals will make a significant contribution to the availability of green space in the northern part of Lakenheath and there is potential, because of the size and location of this green space adjacent to the Cut Off Channel, and because there is potential for it to be well linked (by improvements to the footpath network) that these measures will contribute to an overall strategy to reduce recreational pressure on the SPA.
- FHDC Core Strategy proposes a total of 6400 homes in the district for the period 2001-2021 and this was tested in the HRA which recommended measures to avoid in-combination effects with other plans including a mitigation and monitoring strategy. This strategy is being considered alongside the current local plan Single Issue Review and Site Allocations Local Plan. In the absence of this supporting information the proposals have been considered in-combination with other plans which include development plans for those authorities around Breckland SPA and SAC (St Edmundsbury, Kings Lynn and West Norfolk, Forest Heath and Breckland). In-combination impacts are largely concerned with Woodlark and Nightjar given that there is limited access to farmland where Stone Curlew breed and in other areas such as heathland and grassland sites, CRow access restrictions will be in place and enforced. Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. However taking a precautionary approach and in accordance with the requirements of Article 6(2) of the Habitats Directive to take a proactive approach to avoiding the deterioration of populations of species for which the SPA is classified, and the habitats upon which the bird interest features rely, before that deterioration is actually found to be occurring. There is currently no strategic monitoring strategy in place

however monitoring associated with this development would be appropriate. Monitoring the success of the site as a suitable alternative natural greenspace would inform future decision making in respect to strategic mitigation.

- The concern in relation to in-combination traffic impacts is that road improvements will be required to roads and junctions close to or adjacent to the Breckland SPA or SAC. There are two junctions where the potential for effects has been identified as follows; B1112 / A1065 priority cross-roads, and Wangford Road / A1065 Brandon Road signalised junction. An overview of the cumulative traffic studies undertaken on behalf of the local highway authority to assess the impact of the various proposals has been published (7 June 2016). This confirms that the level of proposed development being considered in Lakenheath could be delivered without any effects on the Wangford Road / A1065 Brandon Road signalised junction. With regard to the B1112 / A1065 priority cross-roads, the study indicates that 663 dwellings (the total within the submitted planning applications that are being supported by the council) could also be accommodated and would not trigger improvements to the junction, however development amounting to 1465 dwellings would result in a severe traffic impact on this junction and hence mitigation would be required. The identified mitigation would be advanced warning signage and significant in-combination effects are not likely.

Recommendations and conditions:

- It is recommended that the following measures are secured, either committed in the proposals for the development, by condition or by legal agreement.
 - A buffer on the eastern side of the site as shown on the submitted concept plan as an ecology zone, where no built development would take place.
 - Ecology buffer located to the north and east of the development site to be designed to provide suitable alternative natural green space. The buffer must also support pedestrian access and link to other footpaths to provide dog walking routes within the site including a walk around the periphery of this site (approximately 2km).
 - A proportion of the natural green space must be available when the first dwellings are occupied.
 - In addition to the ecology buffer, the development must also deliver public open space as required by the FHDC open space SPD.
 - A walking route to the village centre.
 - An alternative walk of a similar length to the Sandy Drove route, but avoiding Maids Cross Hill, along Station Road to the Cut-off Channel and then using the existing PRow on Whitefen Track and

via Sharpes Corner.

- Monitoring of the ecology buffer as a suitable alternative natural greenspace.

Application for access

- Details of the tree works required to secure the entrance sight lines be conditioned along with further information on arboricultural method statements and tree protection.
- The recommendations of the bat assessment (Applied Ecology letter of 6 May 2016) are implemented in full.

Outline

- Open space plan to be submitted prior to/or alongside the reserved matters and prior to any phase of the development coming forward in detail. Plan to show pedestrian and cycle linkage including a periphery walk around the site and be supported by details of signage and resident information. The plan should show clearly the ecology buffer where no development shall take place.
- A proportion of the suitable alternative natural greenspace to be delivered prior to first dwellings being occupied and the applicant to submit a delivery program and implement it. Information pack to be provided to new residents promoting alternative greenspace and village walks to the new residents.
- Reptile mitigation strategy (including elements highlighted by SWT) to be approved and implemented.
- Further and detailed ecological survey to be submitted to support each phase of the development and to inform further phases/details.
- Arboricultural survey to be updated to reflect any planning layout and be accompanied by an arboricultural method statement and tree protection and details to be implemented.
- Landscape and ecology management plan including review periods to allow results of monitoring to inform future management prescriptions.
- Soft and hard landscaping details to be submitted and implemented.
- Lighting strategy for bats.
- Monitoring strategy for the ecology buffer to be submitted for approval and implemented.

54. In April 2017, the Forest Heath District Council's **Ecology and Landscape** Officer provided additional comments to reflect changes in circumstances on ecological matters that had occurred following the August 2016 meeting of the Development Committee. These are as follows:

- These comments are made further to previous comments made in July 2016. They are to highlight changes that have occurred since that time.

Stone Curlew Buffers in the Brecks - 21st July 2016

- In July 2016 the Council published up-dated Special Protection Area (SPA) constraints buffers taking into account Natural England's advice and new information that has come to light since the Core Strategy was published. In particular the frequent nesters buffer was re-visited.
- Policy CS2 of the Core Strategy defines constraint zones to Breckland SPA. These also protect land outside the SPA, considered to be supporting habitat, which is used by Stone Curlew considered to be part of the same Breckland population. The policy requires that all development within 1,500m of a 1km grid square which has supported 5 or more stone curlew nesting attempts since 1995 will require a project level HRA.
- The stone curlew population is currently increasing and the birds use areas outside the SPA boundary for both breeding and foraging. Forest Heath commissioned Footprint Ecology to review the constraint zones previously used. There is still strong evidence that the 1500m distance is appropriate, however it is important to ensure up to date data is used to reflect the areas of the SPA used by Stone Curlews and the areas outside the SPA that are also important. More recent stone curlew data (2011-2015 inclusive) were used to review the constraint zones relating to supporting habitat outside the SPA.
- In advising on direct impacts of this planning application upon the SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. Accordingly, the updated buffers (which have now caught up with the source nesting records) do not affect Natural England's advice or the Councils HRA screening.

Emerging Single Issue Review and Site Allocations Local Plan

- The Council has submitted the emerging 'Single Issue Review' and 'Site Allocations Local Plan' documents to the Planning Inspectorate for examination. The plans were submitted on Thursday 23rd March 2017. This means that increased weight can be attributed to the provisions of the policies contained in those documents given the next stage in the process of preparing the Plans has been reached.
- Policy SA8 of the Site Allocations Document allocates sites for housing development at Lakenheath including Land north of Station Road. The policy requires: measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to both Maids Cross Hill

and the Breckland SPA; strategic landscaping and open space; a substantial buffer next to the Cut Off Channel providing semi-natural habitat next to the water course; and retention of the area of grassland to the east of the site. This adds further weight to the need for the proposals, if allowed, to provide the requested strategic green infrastructure.

55. In July 2018, the Forest Heath District Council's **Ecology and Landscape Officer** prepared an 'Appropriate Assessment' of the planning application in accordance with the specific requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017. A full copy is attached to the Committee Papers at Working Paper 1.
56. **Suffolk County Council (Highways – Development Management)** (February 2015) – raises **objections** to the planning application based upon various concerns about the residential layout included (n.b. these comments have been neutralised by later amendments made to the planning application that withdrew layout from the proposals).
57. **Suffolk County Council (Highways – Development Management)** (July 2016) considered the application in the light of all amendments made to the application to date and the outcome of the 'Lakenheath Cumulative Traffic Study' they commissioned in response to the submission of multiple planning applications for development at Lakenheath. The Authority provides comment with respect to the future internal layout and visibility requirements being dependent upon the speed restriction being extended beyond the site access. Further comments are also provided with respect to access for public transport vehicles (a matter to be designed in to the layout of the site at reserved matters stage) and that further amendments are required to the travel plan. The Authority raises **no objections** to the planning application on the understanding the Travel Plan will be brought up to an approvable standard and recommend conditions with respect to the design and construction of the access (including visibility), bin storage, SW drainage, further details and timing of provision of the estate roads, footpaths and parking/turning areas, travel planning, management of deliveries during construction. The Authority is also seeking developer contributions towards off-site sustainable transport routes, and mitigation with respect to the cumulative highways impact.
58. In January 2018, **Suffolk County Council Highway Authority** took the opportunity to review its advice about the application proposals. **No objections** were raised and the following comments were made:
 - Lack of internal detailed or indicative design means that no detailed response can be given.
 - At this time the speed limit adjacent to the site is still 60mph, hence the visibility condition being at 215m. This can be amended to 120m once the speed limit extension has been provided (subject to the location of the main estate access).
 - The internal layout of the site will require meeting the current SCC

design standards in order for the site to be considered for adoption by the highway authority, if it is not, then an APC notice may be served upon the site.

- It is difficult to comment upon a design with very little detail and I would encourage the developers to enter into conversations with the highway authority before detailed applications are submitted.

59. The following comments were received in relation to public transport:

- For a development of this size the layout should include either an in/out route or a suitable turning area to allow a bus to enter the site. Buses here already divert off Station Road to Woodlands to the south so popping in and out of the new estate would not be a problem for them.
- I request that the [applicant] submits a revised layout that allows bus access and we can then work to define suitable stops inside the estate, each to be provided with Equality Act compliant kerbs, shelters and RTPPI screens. These would by preference be close to the School site and the Community/Retail hub.
- Also we would need two new stops creating on Station Road – these would be best sited between the main and pedestrian accesses near the area marked as Community/Retail hub. Both stops should be equipped with suitable hard standing and shelters – total £20k. RTPPI screens should be provided. If the developer can provide power across the hub area then we could certainly put one in on the north side for £10k. One would be need on the other side (providing power across the road is supplied by the applicant and the RTPPI would cost another £10k for that side.
- There would also need to be a safe crossing between the stops and site entry.

60. The **Highway Authority** went on to discuss what is likely to be required to satisfy them subsequently with regard to travel planning measures and recommend the imposition of a number of planning conditions (laying out & construction of the access and provision of visibility splays, bin storage details, highway drainage, road, turning, parking & footpath details and timing of their provision, travel planning, deliveries management plan (during construction) and improvements to the Sparkes Farm junction (prior to occupations). Finally, a S106 developer contribution of £118,523.76 (or £316.07 per dwelling) was requested to be used towards the provision of sustainable transport routes to local amenities. The overall cost of the project is £209,550 which is to be shared on a proportionate basis between the four current planning applications for large scale development at Lakenheath

61. **Suffolk County Council (Highways – Travel Planner)** – in December 2014, **objected** to the planning application in the absence of an interim residential travel plan and commented this should be submitted for approval before the planning application is determined (not appropriate to

leave to conditions given the size of the development). In October 2015, following further consultation (including submission of a Travel Plan to accompany the planning application), the **Travel Plan Officer** maintained **objections** to the application. In particular the officer was concerned about the quality of the submitted Travel Plan and suggested major improvements would be required to bring the document up to acceptable standards. A request was included that further information be submitted prior to the application being determined (as opposed to being left to planning conditions).

62. In February 2015 the **Travel Plan Officer** provided the following additional comments (précised) following a further consultation on an amended Travel Plan;

- The revised travel plan has made quite a few improvements as it took into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard [a number of improvements were suggested].
- Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.

63. In May 2016, the **Travel Plan Officer** provided interim comments on the revised travel plan, pending the outcome of a wider cumulative traffic study being carried out in the village on behalf of Suffolk County Council:

- The revised travel plan has made quite a few improvements as it took into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard.
- One of the main issues is around the travel plan is one of the forms of baseline data to work the interim targets around. The interim targets in the travel plan are based upon the DFT National Travel Survey instead of the 2011 Census data for the Lakenheath area. This DFT survey is based on a small sample of residents across England and the results are an average of this sample. Therefore the results will take into account urban areas with very good sustainable transport links and not fully take into account rural areas such as Lakenheath. The interim travel plan targets will need to be based around the 2011 Census data for the Lakenheath area, as the current targets are unlikely to be achieved. The targets may also go beyond a five year period as the development may not be completed within five years of the agreed

monitoring trigger point. The travel plan must make reference to this. Also the travel plan does not identify any remedial measures if the travel plan targets are not achieved. This must be included in a revised travel plan.

- Further amendments needed to be made to the travel plan to include the value of the bus and cycle vouchers that will be provided to each dwelling. The value of the voucher should cover the cost of two monthly tickets (ideally in multi-trip smartcard format) to travel to the main employment destinations that were identified by the 2011 Census travel to work data for the Lakenheath area. If the resident requests a cycle voucher instead of the bus voucher it should be of equivalent value. Also the references to the "Suffolk County Council Smarter Travel Choices" needs to be removed, as I cannot find any evidence of the county council operating such scheme at present. The smarter choices measure that was asked as part of the previous travel plan response involves the developer carrying out their own smarter choices scheme by providing some light travel plan measures for the existing dwellings that are in the vicinity of the proposed development to further mitigate the impact the development is likely to have on the existing highway infrastructure. More clarification of what Smarter Choices involves can be provided by myself to the applicant if needed.
- Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.
- Also the Section 106 requirements that I provided as part of my initial response (dated 13th October 2015) still remain.

64. In July 2016, the **Travel Plan Officer**, raised **no objections** and provided the following comments (precised)

- I have reviewed the revised Framework Residential Travel Plan (dated July 2016) and I am satisfied that most of the Travel Plan is sufficient. There is only some minor tweaks that need to be made in regards to the monitoring methodology. However this amendment is not urgent and I suggest that this can be dealt with as a pre-commencement obligation to get the Framework Residential Travel Plan approved.
- Various measures were requested to be secured via planning condition/S106 Agreement

65. **Suffolk County Council (Archaeology) (December 2014) – No objections** and comments that a geophysical survey and limited trial trenching were carried out and identified a number of anomalies of archaeological interest, with trenching demonstrating the presence of a plough damaged Bronze Age ring-ditch with associated burial, and features and deposits yielded Bronze Age, Saxon and later pottery.

66. The Archaeological Service advise the preliminary assessment has demonstrated that there are no grounds to consider refusal of planning permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and full extent of these assets requires closer definition by a second phase of field evaluation and mitigation as necessary. Two conditions are recommended.
67. In September 2015, following re-consultation, the **Archaeological Service** repeated its earlier comments.
68. **Suffolk County Council (Development Contributions Manager)** – in December 2014 provided the following comments (précised):
- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.

Education (Primary).

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does not allow this to be used as a long term solution for additional accommodation requirements.
- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. However at present a number of uncertainties remain:
 - The size and configuration of the sites in relation to the school requirements;
 - Whether the sites are likely to be available in the next couple of years;

- Their relationship to access and services;
 - Environmental, flooding, aircraft noise and other constraints on the site;
 - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site;
 - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
 - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
 - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community. However, it is noted that this development proposal includes land for a primary school which is welcome news considering the inability to further expand the existing primary school. Whilst the county council welcomes the inclusion of the school site, at present it has not concluded its review on the best location for a new primary school to serve the local community. Further consultation with local stakeholders will be essential and this is due to happen in the early New Year.
 - Notwithstanding this a minimum site size of 2 hectares will need to be identified, reserved and secured via a S106A for a freehold transfer of £1. This site will need to be fully serviced including an access road built to adoptable standard. Further discussion is required about the proposed location of the school site and community facilities within the development as there are concerns that it could be sat in 'isolation' away from housing; it would be far more preferable to have the school site within the heart of a new community.
 - In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.
 - It is recognised that the district council faces an issue about identifying

adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context it is left to the district council to draw the planning balance considering these and all other relevant matters.

- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value if an alternative site to this one is chosen as the most appropriate location), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 375 dwellings.
- The estimated cost of providing a new 315 place primary school (excluding land costs) is £17,778 for each school place. It is forecast that this development would generate 95 pupils of primary school age. The contribution to be secured from this development is therefore £1,688,910 (95 places x £17,778 per place).
- With regard to site acquisition costs (if this location is not chosen as the best place for a new primary school) we can assume a maximum of, say, £350,000 per acre (£864,850 per hectare) which gives a total cost of £1,729,700 for a 2 hectare site and equates to £5,491 per pupil place. This gives a land contribution of 95 places x £5,491 per place = £521,645.
- Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).

Education (Secondary and Vith form)

- There are currently forecast to be surplus places available at the catchment secondary schools serving the proposed development, so we will not be seeking secondary school contributions.

Education (pre-school)

- In Lakenheath census data shows there is an existing shortfall of places in the area. From these development proposals we would anticipate up to 38 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £231,458 (2014/15 costs). This contribution will be spent to provide a colocated early years setting with the new primary school.

Play space provision.

- Consideration will need to be given to adequate play space provision.

Transport issues

- A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278.
- An important element to address is connectivity with the development to services & facilities in Lakenheath, such as a safe walking/cycling route to the schools.
- For a development of this size we note that the outline site plan does not include either an in/out route or a suitable turning area to allow a bus to enter the site. Buses here already divert off Station Road to Woodlands to the south so popping in and out of the new estate would not be a problem for them. So we would therefore request a revised layout that allows bus access and we can then work to define suitable stops inside the estate.
- A development of this size will require a travel plan.
- The proposed development is opposite a Public Rights of Way network which provides a safe off road route to the Pashford Pools Fen nature reserve and the popular viewing area at RAF Lakenheath. The track from the viewing area then leads to an area of open access land which allows access to Brandon Park and on to the country park.
- As a result of the anticipated use of the Public Rights of Way network and as part of developing the health agenda to encourage people to walk more, this service would be looking for funding to improve and enhance this route.
- The total s106 contribution requested towards footpath improvements is £29,890.00
- Finally, the development does not address the need to facilitate safe cycling to Lakenheath station and the need to encourage sustainable and healthy lifestyles. The application should not be determined until further information on this aspect is provided.

Libraries.

- A capital contribution of £81,600 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath

to enhance local provision.

Waste.

- A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.

Supported Housing.

- Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.

Sustainable Drainage Systems.

- Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.

Fire Service.

- Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.

High-speed broadband.

- SCC would recommend that all development is equipped with high speed broadband (fibre optic).

69. In September 2015, following re-consultation, the **Development Contributions Manager** repeated comments submitted in December 2014, but included following material additions:

- The proposal to include a primary school within this scheme is our preferred option (subject to certain criteria being met).
- The school site will need to be fully identified, reserved and secured via a S106 Agreement for a freehold transfer of £1 and required to be fully serviced, including access.
- The land option should be capable of being triggered as soon as a planning permission is issued for the hybrid proposals.

70. **Suffolk County Council (Development Contributions Manager)** in

January 2017 took opportunity to review and update their requests for developer contributions. The following contributions (to be secured via S106 Agreement) were requested:

- Primary Education - £1,560,755 towards build costs and £122,930 towards land acquisition costs.
- Secondary Education – capacity available, no contribution.
- Pre-school provision - £400,821.
- Libraries - £81,000.

71. In December 2017 the **Development Contributions Manager** further updated the contributions requested for primary and pre-school provision to reflect the need to insulate the building against aircraft noise. This increased the primary school contribution from this proposal to £1,780,490. Whilst the cost per place of providing a pre-school setting also increased because of the need for noise attenuation, the County Council acknowledged that each place would have capacity for two children (i.e. one during the morning and one during the afternoon). This effectively halved the developer contribution required. The pre-school contribution to be secured from the development was adjusted to £341,066 with a further contribution towards land acquisition for the pre-school setting (£22,963).

72. **Suffolk County Council (Floods Team)** (October 2015) **object** to the planning application on the following grounds:

- Concerned about the inclusion of a rising main and pump to dispose of water to the cut-off channel given the overriding costs and maintenance over the lifetime of the development. A gravity system should be used in favour of a pumped system.
- A contour plan showing elevations of the site will be required (prior to the application being determined). This will be used to determine which (if any) parts of the site require a pumped system.
- Concerned there are no statements regarding discussions or initial agreements with Anglian Water regarding adoption of the surface water system. SCC guidance states that underground SuDS are not acceptable and are unlikely to be adopted by Anglian Water.

73. **Suffolk County Council (Floods Team)** (February 2016) following consideration of the Version 2 of the Flood Risk Assessment and drainage strategy have **no objections** to the planning application, subject to the imposition of a condition requiring further (more precise) details of the surface water drainage strategy.

74. In May 2016, the **Floods Team** provided further advice to the applicant with respect to the proposed surface water drainage strategy and confirmed further details should be submitted with any reserved matters proposals.

75. **Suffolk County Council – (Suffolk Fire and Rescue Service) (February 2018) – no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.

Representations:

76. The planning application has been the subject of four separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015 and iv) June 2016. The following is a summary of the representations received from the four consultations.
77. **Lakenheath Parish Council** (January 2015) – **objects**. The following material comments were submitted (precised):

[n.b. the Parish Council also commented on detailed design and layout matters, which have since been withdrawn from the planning application. Comments on design and layout matters are not included in this summary]

- The development is in the Countryside and encroaches on the wildlife "buffer" zone and is contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment.
- The visual impact of the development will be adversely affected by the sight of houses before you even enter the Village. The proposal contradicts Core Strategy policy CS4.
- It is agreed that 800 houses are expected in Lakenheath between 2010 and 2031. But this needs to be arranged with a Master Plan for collective development and infrastructure which must happen simultaneously – not years later as in the case of the Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has now been granted and the further 674 for which permission is now being sought. This application covering 375 dwellings. The job for planning now is not to dictate who lives where it is to guard the public interest.
- The long outstanding single issue review has not been addressed therefore all developments should be plan led not developer led, especially as the 5 year land supply for FHDC issue is presently resolved with the required 5% buffer. Until the single issue review is completed all planning cases should be considered premature.
- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential / retail dwellings.

- There are no plans to increase or improve public transport, indeed it was only in September 2014 that a direct link to Bury St Edmunds (bus route 955) was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further. Road calming measures near the site as suggested cannot be applied as this is a major road, a lorry route and a bus route. Similarly the railway (3 miles from the centre of the Village and with no car parking facilities) has had its service severely axed. A solution will have to be found. This is contrary to Policy CS4 not encouraging additional car usage. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. There have been 43 accidents in the last 5 years in the area.
- If there is a Fire in the main road towards the proposed school the main road will be blocked potentially with fire appliances with no way of movement. Why cannot there be a further entrance perhaps on the North West boundary?
- How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwelling including infill and the proposals already in the pipeline. The attitude at FHDC is that it is SCC obligation to educate they have to find a solution whether it is bussing to available schools with places or provide temporary classes at other schools till our second school is available. On this point alone any approval should be delayed until the new school is provided.
- All nursery places in the Village are taken up with no capacity for expansion either.
- Suffolk County Council have agreed that a new school is to be provided but a site is still not yet agreed and they do not propose in any rate that it will be ready for occupation until September 2017.
- In the school provision, should this be the acceptable site, more parking facility needs to be provided. A cycle route via the main road direct to the school too. Playing fields on a potential flood zone is not ideal especially as it is proposed that a swale will exist on one side. How safe is that for children?
- Sewage. As highlighted in the Forest Heath Local Development Framework, March 2009 'Limited current and future capacity exists to accommodate levels of planned growth. Lakenheath can accommodate 169 dwellings within existing headroom'. Anglian water will always say there is sufficient capacity, they want the extra customers. They are a commercial concern. It will only be when new problems arise that they will be dealt with. On this site the foul sewerage is to discharge into the main sewers Currently in Station Road. To assist this, a pumping system is to be introduced which will be offered for adoption by Anglian Water at the end of the development. What if they refuse it? Who will

maintain this Pumping station?

- Water must go into the ground to be extracted so why will the developer not consider soakaways in their proposals? Approximately three quarters of the site is in a major aquifer area which is highly permeable and the other quarter in an intermediate area being less permeable.
- The cut was provided in the area as a relief channel from Denver sluice where the little Ouse meets the Great Ouse. This has prevented regular flooding to our area. Should flooding occur higher up the channel, however, it will affect the area. Therefore to drain surface water into it is risky to say the least. The local area is geologically susceptible to ground water flooding due to the low lying nature of the land particularly in the area near the relief channel. There has been no recorded incident of flooding since the relief channel was provided, however, with so much proposed hard standing how will this be affected in the future? Again take into account that should an incident occur lower or higher up the relief channel at Tuddenham, Denver or even Kings Lynn? In addition it is proposed for the surface water eventually to discharge into the relief channel via swales. At certain times of the year this will become particularly smelly as vegetation decomposes. Is this an area we really want beside a proposed school playing field where children will play? Policy DM6 and DM7 refers.
- If the pumping station pumps water into the swale why did they not consider continued installation of a pipe and pump directly into the relief channel thereby removing a possible danger to Children and the potential for creation of smelly decomposing material? Swales and aircraft do not mix, this is well documented.
- Who will occupy the affordable homes? If senior citizens (who are the most likely candidates for the one bedroom properties) they very often do not have their own transport therefore will become prisoners of their homes being too far from Village facilities. Many in this village do still walk to events / or facilities. If it is youngsters they would have to have cars to get to work which in the main is in the Southerly direction of the village creating more congestion running through Eriswell, the adjoining Village in accessing the A1065. The developers suggest Wangford Road to access the A1065 however this is unlikely due to the congestion at peak times around gate 1 of RAF Lakenheath. Policy CS10 suggests there is a requirement that local services will be supported by appropriate development in order to make them more sustainable.
- The site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft. The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that the Noise assessment surveys were carried out at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? Far more relevant as closer

to the flight line therefore noisier.

- This development is against Policy CS2 which seeks to protect areas of landscape biodiversity geo-diversity but more importantly local distinctiveness. Policy CS3 says to preserve and where possible enhance the landscape character of the local area. This development certainly would not achieve this.
- It is very often a 2 week wait for a regular appointment at the doctors' surgery. With all the extra proposed residents this will only worsen. The NHS suggests that the surgery is under capacity! They suggest that with the current number of doctors covering Lakenheath they should be able to cater for 6300 patients. Currently with 5031 patients on the register this means that a further 1266 patients could be added to the roll.

78. The Parish Council go on to state, in the event the Council is minded to agree to a development in this area:

- The site forms part of a detailed FHDC water cycle study which has shown that "upgrades to approx. 700 metres of existing sewerage network through the town". If such work is undertaken, it would only be cost effective in upgrades in two other sites (L14 & L28) were to be carried out at the same time. Such work would require a 1- 3 year time frame. No major building works should be contemplated until this is sorted per core strategy which commencement would not be until later this year by Anglian Water.
- For the development proposal consider a second access onto the estate as only one new access to 375 dwellings and a possible school seems totally inadequate.
- An independent specialist, noise and vibration survey of the area should be commissioned by the Council. This is because this site particularly is too close to the return flight path for the nearby base at RAF Lakenheath which sees the arrival and occasional departure of many NATO aircraft. This should include a full Environmental Impact Assessment screening as required by UK planning law, and the impact of noise and vibration from ground and aerial flight path impacts. This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village. It is noted that triple glazing is proposed for the dwellings to alleviate the nuisance by noise nevertheless windows will be open particularly in the summer months. Nuisance by noise will also be affected by the adjacent industrial units.
- The developer should be asked to provide a community Notice Board for the Estate to match others within the village and sufficient Dog Bins to serve the estate at appropriate points as more households now have dogs as pets.

- If the site for the school is accepted, without doubt additional parking will have to be insisted upon.
- As far as transport is concerned the only thing we can see that will make Lakenheath more viable is a much improved rail service. The bus hub is Mildenhall, not good news for Lakenheath but a regular bus service from Mildenhall connecting and turning at the station would surely make it better. Parking and a turning circle would have to be provided. This could be included within any S106 agreement.
- Guarantees are needed that the whole development will be completed.
- Finally, the key principle of the core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.

79. **Lakenheath Parish Council** (October 2015, following re-consultation) – maintains its **objections** to the amended planning application and repeats some of the objections submitted in January 2015 (reported in the paragraphs above). The following additional comments were made:

- There are still no plans to increase or improve public transport. The travel plan accompanying this application is flawed. It does not mention that the bus service only operates 6 days a week (not on Sundays) or bank holidays. It is a service whereby you can travel only to Mildenhall, Brandon or Thetford and normally a good waiting time is needed to meet a link to employment areas in Bury St Edmunds, Cambridge or Norwich. The service we currently have is heavily subsidised and there is no guarantee that it will remain in being. To use the buses to get to school is just not going to happen. South to north of the Village in the morning there are no buses between 7.20 until 9.30. In the afternoon the reverse journey no buses from 2.43 till 4.43. A totally unrealistic expectation of its use.
- The Road network within the proposed estate is unknown as the residential element only allows for outline consent without specific detail. No new roads outside the new proposed estate are envisaged, residents from the proposed site will still enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further.
- Safe passage to and from the school is paramount and everyone transiting the school by cycle and walking should be protected from the dangers of the heavy goods vehicles, buses, huge tractors and tractor trailer combinations which all travel extremely close to the road kerb. The travel plan says that the development will provide improved and safe footpaths and cycling links to the village centre with a formal pedestrian crossing to Station Road. However, the proposed 3m wide cycleway/footpath would cease at No 81 Station Road and join a reduced width footpath which is not acceptable. This proposed 3m cycleway/footpath should extend to at least Briscoe Way. As third party land will be involved S106 financial contributions should be arranged.

There is no pavement access on the opposite side of the road to the proposed development which should be arranged and cost covered by S106 agreement.

- If the proposal is accepted any traffic calming proposals should be SIGNIFICANT and FREQUENT between the two corners on Station Road (the B1112 between Sharps Corner and the East end corner of Station Road) and incorporate a Pelican Crossing (rather than a formal pedestrian crossing) at the North East end of Woodlands. How can the High Street be widened to accommodate a cycle route to encourage more non car modes?
- Many children will be driven to school; they won't be walked, thus compounding the traffic issue.
- There is no argument on the need for a new Primary and Pre-school predominantly to serve Lakenheath. There has been no consultation yet with the village as still early stages on adoption of the school site. The developer in proposing the new school site possibly assumes a second school serving the Northern section of the village only. Suffolk County Council made it clear at a recent meeting that their preference with new schools is to start at the bottom and possibly adopt a two tier system running in conjunction with the existing school. I.e. a single school operating from 2 sites. This is the Parish Councils preferred option.
- The flight path of USAF aircraft must also be addressed as a significant criterion. It is well known locally, and no doubt documented, that there are many incidents of aircraft straying off the designated flight paths. The aircraft noise levels are quite intolerable Children should not be exposed unnecessarily to the extreme decibel levels. The buildings may well be 'noise insulated' but children and adults will still be vulnerable when outside 'in the play areas'. Aircraft flights will inevitably be detrimental to the preservation of Environmental Air Quality, Noise Pollution and potentially human safety in and around the school.
- With the school provision, should this prove to be the acceptable site, a parking facility needs to be provided. Consideration as such a large site is available would be a one way service road serving the school alone with an ample parking facility. If parents park on Station Road it is right on the bend which will be dangerous to both stationary vehicles and general traffic. As Pre School facilities are at capacity these too should be included (not just as a possibility) within the site as ample space even allowing for further school growth in the future.
- The NHS potential capacity figure of a further 1263 patients fails to reflect the current situation of an aging population in Lakenheath. This has a knock effect onto hospital appointments. The car park at the surgery already cannot cope and this will lead to more cars parking on the High Street adding to even further congestion.

- Suds systems incorporating swales for drainage which can become clogged and smelly particularly in autumn with leaf fall and can cause bird strike which could create problems for aircraft. I hope that the developer will incorporate, if approval is granted, surface water soakaways for dwellings as it is suggested that the new residential layout will have large gardens. It is still suggested that a surface water pumping station is likely to be provided to drain into the cut off channel. The phase 2 sewers and surface water pumping station will be offered to Anglian Water for adoption. What if they do not accept that? What then occurs when the pumps fail? What is plan B?
- This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village.
- The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that no new Noise assessment surveys were carried out and the original application details were taken at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? It would have been far more relevant as closer to the flight line therefore noisier.
- If planning consent is approved we would request as part of the S106 agreement that consideration should be given to contributions for some of the following community good causes to be functional and include successful public spaces:
 - Extension and improvement to current skate-park and additional facility on new development
 - Extension and improvement to PC Children's Play Area
 - New Children's Play Area on new development such as football / Netball areas and BMX bike tracks etc. for older children
 - Public Toilet (and maintenance) to serve extension to village (nearest will be Wings Road)
 - Peace Memorial Hall / People's Project Funding
 - Pavilion Project / Extension Funding
 - Flood-Lighting for Senior Football Club
 - Support for Playing-fields
 - Support for Library
 - Adult 'keep fit' area
 - Dog Bins (including emptying)
 - Litter Bins (including emptying)
 - Noticeboards to match those now being provided to the Village with funding help from SCC
 - Funding for future extensions to Cemetery (increased population will create greater demand on existing facility)
 - Funded transport facility (such as good neighbours) to take elderly/needy resident from new development to doctors co-op etc.
 - Benches / Seating in the open space area
 - Noise Level Reduction Scheme

- The proposals are contrary to a number of policies in the NPPF (2012 version) (the Parish Council refers to paragraphs 7, 10, 17, 29, 34, 35, 37, 38, 55, 151, 152 and 172).

80. **Lakenheath Parish Council** (January 2016) – submitted further comments in response to a further consultation carried out following receipt of an amended Habitats Regulations Assessment report. The Parish Council noted the latest comments of Natural England (December 2015). The Parish Council also agrees with the views and requests of the Suffolk Wildlife Trust (December 2015). The Parish Council also provided a copy of noise information relevant to flights connected to the Lakenheath air base which had been published by the Ministry of Defence pointing out the noise contours for the village had been expanded from that published previously. The Parish also note the limitations of that report being a computed modelled study as opposed to a field study. The Parish Council re-affirms its request that the Council commissions an independent noise and vibration survey of the area and uses the information to conclude the application site is inappropriate for housing and a school. The Parish goes on to suggest there is an increased risk of accidents given the development would sit beneath/close to the return flight path (with jets occasionally carrying live munitions).

81. **Lakenheath Parish Council** – (late January 2016) submitted further representations via their Lawyers. The following matters were raised:

- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
- Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).
- The Parish Council refer to objections received from Natural England received in June 2015 as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme *[the Committee will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information]*.
- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.

82. **Lakenheath Parish Council** – on the morning of 2nd March 2016, the day the planning application was due to be considered by the Development Control Committee, the Council received a legal letter prepared on behalf of the Parish Council. The letter claimed the officer recommendation (2nd

March) would, if adopted by the Committee, be unlawful and contrary to the Council's Constitution.

83. The Parish Council, via the legal letter, raised further concerns about the proposals and the officer report:

- The cumulative transport assessment issued by AECOM is out of date.
- The proposed development site is at risk from serious environmental emissions (noise and air quality) from the military flight operations, making the site unsuitable for the uses proposed.
- The existing noise and vibration report is out of date because the Ministry of Defence has changed technical standards in light of the change in flight contours over Lakenheath.
- Air safety concerns, given the proximity of military aircraft flight paths to the site and school in particular.
- Biodiversity – the concerns expressed by the RSPB (with particular reference to the school site) have not been fully addressed.
- It is not clear how impacts of development upon health service provision will be mitigated beyond accepting developer contributions.
- The impact of the closure of RAF Mildenhall on the Single Issue Review needs to be considered.

84. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have grave concerns regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still "Not considered to be a severe impact" and "Approaching capacity, mitigation advised".

85. The Parish Council also appended comments from their appointed Transport consultant. The following points were raised:

- Improvement of the B1112/Eriswell Road junction is essential to accommodate any significant development in Lakenheath without a severe highways impact.
- There remains uncertainty as to the deliverability of the proposed highways improvements.
- There are inconsistencies in the data set out in the cumulative study which brings into question its reliability.
- The cumulative study does not address traffic generated by the Tesco retail store approved in the village which would generate trips equivalent to around 436 dwellings. The traffic study therefore underestimates the impact of development in the area.

- The identified shortcomings of the cumulative traffic study bring into question decisions made with respect to the Site Allocations Local Plan.
86. **Lakenheath Parish Council** (July 2016) with respect to the Aviation Advice submitted with the planning application) declined to provide detailed comment in the light of the MoD's recent request for the submission of further noise information.
87. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have **grave concerns** regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still "Not considered to be a severe impact" and "Approaching capacity, mitigation advised".
88. In August 2016 the **Lakenheath Parish Council** (via their Lawyers) submitted further **objections** against the planning application proposals. The letter was circulated to Members in advance of the Committee meeting and was reported verbally to the meeting on 5th August. The issues and objections raised by the Parish Council are summarised as follows:
- Significant gaps in outstanding information which the appellant has refused to provide, despite the MoD's requests in relation to noise impacts from operations at RAF Lakenheath.
 - The Suffolk County Council planning department, in concluding an Environmental Statement is required to accompany a stand-alone application for the school, has requested site specific noise survey information.
 - The reasoning for the continuing concern about noise impact is referenced to return flight paths used by military jets returning in proximity to the proposed residential housing and the school site. The route would also be used by the F-35's from 2020.
 - The officer report *[August 2016]* is misleading by stating the Ministry of Defence has no objections. The correct position of the MoD is that the submitted information is inadequate to assess noise impacts and requested a detailed noise assessment was undertaken to its standards. This work has not been done.
 - The noise assessment relied upon by this planning application was submitted by a separate developer (Briscoe Way – Planning application reference DC/13/0660/FUL), but this site is not in as close proximity to the returning military jet flight paths and therefore not capable of providing a basis to assess noise impacts for the operations at RAF Lakenheath, but do show a noise level of 62.1db (LAeq(16-hr)) on land that is further away from the overflight paths than would affect this application.

- The Parish Council has used this data to extrapolate the noise output over the school and the residential development site, using the inverse square law for sound as an indicator, given the closer distance to the flight paths. This gives 67.7db.
- It is not lawfully open to the Council to proceed to determine the application regardless of the position of the applicant when the MoD plainly disagrees with the applicant's advice from the Aviation Assessment and has asked for more information and an opportunity to review that further technical information.
- If the application is determined on the basis of the misleading advice or incomplete information which is material to the application, the decision will be vulnerable to judicial review.
- The Parish Council goes on to cite an appeal decision relevant to a site proposing a housing development in the vicinity of the flight paths of Manchester International Airport where noise output exceeded 60db(A). Extracts of the appeal decision were provided and the Parish Council pointed out in that case the Inspector held that noise impacts at that level affecting residential development would conflict with the NPPF.
- The Parish Council requested deferral of determination *[from the August 2016 Committee meeting]*.

89. In June 2017, **Lakenheath Parish Council** submitted further **objections** to the planning application. The representations were received very shortly before the Development Control Committee considered the planning application at its meeting in June 2017. The representations included criticisms of certain paragraphs/sections of the officer report to that Committee. Given that this fresh report fully replaces the report to the July 2017 Committee meeting, those particular points are not included here (to avoid confusing or misleading the Committee). The Parish Council concludes its comments by summarising its objections to the planning application, primarily on noise grounds and, in their view, the absence of adequate noise assessment. They also allege that the Committee [June 2017] was being misled by the content of the officer report and that it gave rise to the decision [to approve] being challenged in the High Court. They also refer to an appeal decision where an inspector determined that aircraft noise was inconsistent with residential development where the output noise exceeded 60 dB(A) and included extracts of the appeal decision with their letter.
90. In February 2018, the **Lakenheath Parish Council** provided further comments about the four planning applications (F/2013/0345/OUT, F/2013/0394/OUT, DC/14/2096/HYB and the subject application proposals) via their Solicitor. The Parish Council commissioned Clarke Saunders Acoustics to review the noise information submitted against the four planning applications.

91. The Solicitors letter confirms the Parish Council remain deeply concerned that the full noise impacts for USAF operations at RAF Lakenheath have not previously been fully assessed or understood by the Committee. They assert that the Committee had previously resolved to grant planning permission on the basis that 'there is already housing in the village' and point out that 'attitude and justification' is at odds with government guidance aimed at achieving sustainable development.
92. The Solicitors letter concludes by insisting that the applicants be requested to provide further noise information and then reported back to Committee. They end by confirming (and without confirming the legal position) that basis relied on by the Council will give rise to Judicial Review grounds.
93. The review of noise information submitted with the four planning applications carried out on behalf of the Parish Council makes the following points about the noise assessment submitted with the planning application (reproduced in full):
 - The supporting technical memo [AJA School memo] provides information on a noise survey conducted at the proposed school development site; the memo explicitly states that it does not include an assessment. There is no information presented in relation to the residential aspect of the development (375 dwellings), and a site specific assessment is required to be carried out of the residential aspect of this development in relation to potential internal and external noise impacts.
 - The suitable current methodology to assess the residential element would be ProPG: Planning & Noise – New Residential Development (Published May 2017), including the consideration of operations 24 hours a day, throughout the week.
 - These limitations should be apparent to any competent planning authority, who we would expect to require a more thorough noise impact assessment to consider the possibility of granting consent.
 - The DIO indicate that this site is located directly under the approach flight path to RAF Lakenheath from the 'Point Charlie' recovery point.
 - The noise survey was 20th–27th March 2017, but no summary of the full dataset is included in the memo, nor is information on the LAeq,16hr noise level measured on site which could have been compared with the predicted noise contours of RAF Lakenheath in 2017.
 - The summary of measured noise levels is limited to school hours (08:00 – 17:00), with the LAeq, 30mins during this period ranging between 50 – 71 dB, and LAF 1, 30mins ranging between 55 – 85 dB. The highest LAF 1, 30mins level were 78 – 85 dB due to multiple F-15E operations (mainly take offs).

- The survey duration may have been suitable to represent variations in noise levels at the proposed development site (notwithstanding the same caveats identified above), but the data presented does not provide sufficient detail to verify this. The validity of the noise data in relation to typical operations of RAF Lakenheath cannot be confirmed, and future assessments should consider potential changes in relation to operations of RAF Lakenheath.
- Due to the elevated noise levels at the proposed development, detailed noise mitigation will be required to achieve internal noise levels complying with the building regulations, as detailed within BB93 (BB93: acoustic design of schools - performance standards) (e.g. Primary school: classrooms - LAeq, 30mins 30 dB). Given the sample of noise levels measured, the required mitigation would be significant and would impact the building's construction and ventilation strategy. It would also need to minimise the low frequency impact of jet noise sources.
- In relation to outdoor areas BB93 states; 'Noise levels in unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55 dB LAeq,30min and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50 dB LAeq,30min.
- If this is not possible due to a lack of suitably quiet sites, acoustic screening should be used to reduce noise levels in these areas as much as practicable, and an assessment of predicted noise levels and of options for reducing these should be carried out.'
- Data from the AJA memo indicates that for periods during the day, the LAeq, 30mins level is up to 71 dB and significant mitigation would be required. Screening methods to reduce these levels to below 55 dB LAeq,30min will not be feasible with enclosing the space completely, let alone a reduction to the optimal value of below 50 dB LAeq,30min.
- The school building will need to satisfy the current building regulations, and in relation to acoustics the requirements of BB93. It appears that no detailed assessment has been undertaken to establish whether this is feasible and how it might be achieved. Fully mechanically ventilated solutions for schools buildings are very unusual in the current economic climate, and are unlikely to be an attractive financial option to the Local Education Authority.

94. In July 2017 (following consultation on the applicant's noise assessment) the **Lakenheath Parish Council** maintained their **objections** to the planning application and commented as follows:

- The previous position of Lakenheath Parish Council is still extant and the following comments merely apply to the applicants' noise assessment.
- First and foremost, it is just yet another eight-day survey covering a period of less jet movement activity than normal from RAF Lakenheath.

(PCS season or change in station is upon us). The Parish Council has repeatedly called for a survey of a much longer duration (one month minimum), to give a better and more accurate reflection of the noise profile in our locality.

- A noise survey for a longer duration would cover the variability of aircraft activity which has so far been distorted by all the previous surveys which have always been restricted to one week. Other important parameters need to be measured in conjunction with noise measurements. Most importantly wind speed, wind direction and the degree of cloud cover. These weather conditions have a dramatic effect on the noise perception and experience in this locality. As an example, we have had more northerly winds recently and as the jets take off into wind it has been in the opposite direction to normal creating a different noise nuisance.
- In the last paragraph of section 2.2 AJA make the valid point that "Both the WHO Guidelines and BS 8233 are really only appropriate for "impersonal noise" such as continuous road traffic. Noise which is attributable to a particular source or which has a tonal or intermittent characteristic may cause annoyance at lower levels than these and in such cases an assessment linked to background noise levels may be more appropriate." But then go on to use the 16hr daily average levels in the assessment, rather than comparing aircraft with background level to show how intrusive this noise is. They even say at the end of 5.4 "However, given the short duration of overflights and the low residual ambient level, we do not expect the amenity of external areas to be significantly reduced." Suggesting the large difference between ambient and aircraft noise levels is a mitigating factor, rather than the reason for it being especially intrusive.
- Flight activity on the day of the assessment was 30 movements, which AJA scale up to the 90 movements described as typical by Sqn Ldr Neild from 45 aircraft. Even if "each jet undertakes three further overshoots and additional circuits prior to a full stop landing" (as Lakenheath Parish Council have had confirmed by the Ministry of Defence) – which seems like a lot of activity for an average single sortie, 45 aircraft could only give rise to 225 movements at most, when the average assumed for the scoping comparison (confirmed again to us by the MOD, as above mentioned) was 242.
- Additionally, in 5.4 it states "There are no effective practicable methods of reducing aircraft noise in external amenity areas. We have therefore not specifically considered noise mitigation measures against aircraft noise for the external amenity areas of individual residences". How can this be ignored? Especially as it refers to domestic housing and more importantly what about the school/preschool? Ofsted continually push for more outdoor learning and there is NO MITIGATION FOR THE EXTERNAL NOISE FROM MILITARY JETS. It is true that at times the noise is of a short duration but many times it can be continual for 30 minutes or even an hour when touch and go exercises occur. Alarm bells should ring here? This report renders the external areas unusable.

Surely having a garden should be an amenity to enjoy an outside space it is just not acceptable providing outdoor spaces which become unusable. This is especially so in relation to the school and preschool facility.

- In section 6. Conclusions – final paragraph “While average daytime noise levels in external amenity areas are expected to regularly exceed 60dB LAeq,16hr during weekdays” is a statement based on current noise levels of the F-15s No account has been made for the F-35s which it is known will be considerably noisier. We still ask how this compares to other areas - is there any precedent to accept this for giving planning permission for housing and a school? Where in the UK has this happened as we have been unable to find any precedent for this type of area for development.
- There is nothing in this report to address the issues raised by the DIO in their representation 2nd August 2016 for land North of Station Road and of 22nd September 2016 for Rabbithill covert. These early representations surely still apply?
- Finally, we would just remind you that AJA agree that the playground igloos are pointless. That the 60dB+ levels are sometimes tolerated from road traffic noise – from a steadier continuous source, but in this case the 16hr average is made up of much much higher short events which would be extremely disturbing and distressing to residents or pupils.

95. A letter was received from the Head teacher of the **Lakenheath Community Primary School**. The school was particularly interested in the proposals given that it proposed a site for a new primary school. The letter requested **deferral** of the planning application pending the submission of further information (noise impact assessment). The letter was circulated to the Committee Members by the Parish Council in advance of the meeting (August 2016). The concerns raised by the Head Teacher, submitted on behalf of the Governing Body, are summarised as follows:

- The ‘aviation advice report’ accompanying the planning application talks about noise at the existing primary school, implying that it is not a significant issue, and that there would be very little difference in the impact of noise at the new [proposed] school. This is attributed to speculation and opinion given that the school was not consulted and no noise data has been collected from the existing school site.
- The current school has no choice but to live with the disruption of jet noise because it was built before the airbase existed. In school, staff often have to pause when teaching or conducting assembly to wait for the noise to pass and consequently children’s concentration is lost.
- There are a number of studies, in particular a World Health Organisation report (WHO 2011) which expresses concern on cognitive impairment in children and on learning and memory being negatively affected by noise. Over 20 studies have shown negative effects of noise

on both reading and memory in children. The report states that exposure during critical periods of learning at school could potentially impair development and have a lifelong effect on educational attainment. Impacts could be particularly detrimental for children with some Special Educational Needs. Aircraft noise, because of its intensity and unpredictability is thought to have a greater impact than, say, traffic noise, with the effect continuing after noise has passed.

- This is not a case of an existing school having to 'make do'. We have a choice about where new schools are sited and it cannot be justified that we subject a future school community to the same, or potentially worse, environment. We understand that the proposed new school, unlike us, is directly below or close to one track of the twin flight paths as the jets return to RAF Lakenheath.
- We are also concerned for the future of the village and the school's environment with the news that two squadrons of F35 fighters will be deployed at RAF Lakenheath. A full and comprehensive study of the impacts of this aircraft should be undertaken. We understand the F35's are up to 10db louder than the F15's.
- Some commentary has suggested noise mitigation can be made to a new school building. We question the reality of the day to day operation of a school building to being sealed from external noise. Outdoor learning is an integral part of the Early Years curriculum, so the youngest children spend much of their day outdoors. Learning outside the classroom is actively promoted for older year groups too. This would be jeopardised by siting a school close to or under a flightpath. Furthermore, an important element of sustainable buildings is internal air quality and this is best achieved by naturally ventilated buildings. Using a noise mitigation argument to justify building a school near to the flightpath is, therefore, simply not valid.

96. A letter was received in January 2016 on behalf of Elveden Farms, the promoter of other planning applications in the area. The letter raised concerns about the adequacy of the material included with the Habitats Regulations Assessment received in November 2015. The following summary is copied from the letter:

- Whilst the HRA conclusion of no cumulative impact on stone-curlew and Breckland SPA might well be correct, further work is required to conclusively demonstrate this and achieve legal compliance;
 - Amended survey information, especially of potential nest habitat in the vicinity of development and clarity on usage of Sandy Drove adjacent fields;
 - Recreational impact revised following amended survey information;
 - Inclusion of proposed development at Eriswell within the cumulative impact assessment.

97. In July 2016, further representations were received from Elveden Farms in response to the consultation carried out following publication of the

cumulative traffic study commissioned by Suffolk County Council. The comments are summarised as follows:

- The cumulative traffic studies have identified that the B1112/Eriswell Road junction, crucial in the operation of the airbases, is the key constraint to delivering any new development in the Lakenheath area.
- This review has identified that the conclusion of the Aecom summary technical note, namely that the Option B improvement to the B1112/Eriswell Road junction does not require third party land is wrong and is contrary to the actual findings of the Aecom Phase 1 report. The implications of this are that any improvement to the B1112/Eriswell Road junction requires third party land and hence no new development in Lakenheath is deliverable without land beyond the highway boundary at the B1112/Eriswell Road junction.
- Furthermore, it is also identified that the Aecom studies used traffic data from 2013 during the time the A11 works were being undertaken. A recent traffic count in 2015 shows that peak hourly traffic flows have increased by 8% at this junction post A11 works completion. The implication of this is that the option B improvement will not be sufficient for even the 288 dwellings which were the subject of resolutions to grant permission made in 2014. Only the larger Option A improvement will provide the required mitigation for any new development.
- Any new development in Lakenheath is not deliverable without land beyond the highway boundary at the B1112/Eriswell Road junction and this should be understood before any resolution to grant planning consent is granted.
- Elveden Farms Ltd own land surrounding the B1112/ Eriswell Road junction and would be the third party interest in any improvement works to this junction. Furthermore, Elveden Farms Ltd have recently submitted a planning application for development south of Lakenheath which, if approved, provides the required Option A improvement to the B1112/Eriswell Road junction as well as providing the additional land to be transferred to the highway authority.

98. On 2nd August 2016, further representations were received on behalf of Elveden Farms Ltd. The issues raised are summarised as follows:

- Information with respect to traffic and noise is out of date.
- Elveden Farms has held discussions with County and District Council's about providing a primary school on the site known as L26 or L1(b) adjacent to the existing Lakenheath playing field.

Traffic

- The Committee report (August 2016) is factually incorrect on matters fundamental to whether a decision to grant planning permission is taken.

- Improvements to the B1112/Eriswell Road junction will require the addition of third party land (to accommodate the physical works and to provide sufficient visibility). This should be clarified.
- Furthermore, the report suggests that there is a possibility of a further option that does not require third party land but no such scheme has been identified. It is unlikely that a signalisation only scheme that meets highway standards could be accommodated within the highway boundary.
- It should be noted that in the Cumulative Impact Studies the assessment of B1112/ Eriswell Road junction is based on traffic data counted in 2013. Even including the recent dualling works to the A11, the Cumulative Impact Studies still shows that the degree of saturation, with the Phase One development (663 dwellings) exceeding 100% and operating beyond capacity.
- Traffic assessment undertaken by our consultants in 2015 after the A11 dualling works had been opened, found that based on post A11 dualling traffic data, the degree of saturation is now more likely to be approximately 108% for 663 dwellings, which would be significantly over capacity and the volume of additional housing that could be accommodated is substantially less than 663 and quite likely nearer to zero houses.

Noise

- We note that the MOD objects to the proposed Station Road development on the grounds that the provided aviation advice was “inadequate to assess noise impacts” and the MOD requested “a detailed noise impact assessment to be done to its standards”.
- The available evidence indicates that all parts of Lakenheath experience relatively high noise-levels, in comparison with the criteria in the relevant British standards. Thus wherever an application site is located in or adjoining the village, a comprehensive noise-assessment should be required that is based on the measured noise-levels in that specific location and forecast changes in the flight-patterns at the military bases, and which should demonstrate how the scheme would comply with the objectives of national planning policy insofar as achievable in the specific context of Lakenheath.

Primary Education

- Discussions between Elveden Farms Ltd. and Suffolk County Council have been ongoing about the potential to provide a 2 hectare site for a primary school adjacent to the existing Lakenheath playing field in the site known as L26 or L1(b). Elveden have proposed that in the event of approval for the 550 dwelling scheme with a primary school at Little Eriswell, reference DC/16/1360/OUT, they would agree to release a 2

hectare area adjacent to the existing playing field at L26 / L1(b) for a second primary school.

Infrastructure Delivery

- Elveden Farms Ltd. propose in the absence of an adopted Site Allocations Development Plan Document, that FHDC work with the parish councils and the applicants in the Lakenheath area to develop a plan to deliver infrastructure improvements that will enable major housing development to come forward in a co-ordinated and sustainable programme.
 - In this regard, Elveden Farms Ltd. are proposing two primary schools, all identified highways improvements, pedestrian and cycle links, a local shop, green and public space and over 550 dwellings across the two applications F/2013/0394/OUT and DC/16/1360/OUT.
99. In June 2017 a further set of comments were received on behalf of Elveden Farms criticising the evidence set out in the cumulative traffic study, claiming it is fundamentally flawed (and setting out the reasons they consider why) and should not therefore be relied upon in taking any decisions on granting new development in the area.
100. Three letters were received from **local residents objecting** to the proposed development following the first public consultation (November 2014). The issues and objections raised are summarised as follows (in no particular order);
- Ad-hoc approach to developing in the village.
 - No joined up thinking on infrastructure and services.
 - Outside the settlement boundary and should therefore be rejected on that basis.
 - Creeping urban developments just to meet a tick-box exercise to meet imposed housing targets.
 - Brown field sites should be developed first.
 - There is no evidence of need for such a large number of houses at Lakenheath
 - Scale of development is out of keeping with the village and would place a massive burden and unsustainable level of environmental and social impact upon the community.
 - There is insufficient employment in the area for the proposed residents.
 - Premature to the Site Allocations process.
 - The site is not mentioned in any of the emerging plans.
 - Traffic generation; the roads into the village are not suitable for the extra traffic.
 - Public transport is inadequate.
 - The centre of the village would become congested.
 - Doctors' surgery is already at breaking point.
 - How will sewerage be addressed?
 - The location of the school is inappropriate beneath a flight path.
 - There are already blighted sites around the village.
 - Lakenheath cannot cope with hundreds of new homes.

101. One letter was received from a **local resident** in response to the second round of public consultation carried out in September 2015. The correspondent **did not wish to object in principle** to development in the village but wished to express **concerns** about road safety along Station Road, with particular regard to excessive traffic speeds past the site frontage. It is suggested that traffic calming measures should be employed in order to slow the traffic down. Such measures should be funded by the developers.
102. Four further letters were received from local residents in response to the third round of public consultation (November 2015). Two of these raised objections to the proposals. The third letter was from the same person whom wrote in response to the second round of consultation (see above paragraphs) and repeated those comments. The fourth correspondent is the owner of land and buildings adjacent to the site whom requested the erection of security fencing during construction to prevent opportunities for public trespass onto adjacent land (and exposing those persons to dangers present on the site). He also comments on traffic (requesting a roundabout is considered for the site access) and schooling (suggesting the school would be better positioned towards the centre of the village). He concludes by suggesting the growth of housing in the village could be beneficial as it is likely to attract other facilities into the village, e.g. a supermarket.
103. The issues and objections raised by the objectors can be summarised as follows:
- Too many dwellings for the size of the village
 - Roads, doctors and other facilities will be overwhelmed.
 - Site is too far out of the village leading to reliance on cars.
 - There are limited employment opportunities in the village which will lead to the need to commute out of the village for employment adding to congestion and carbon emissions.
 - Properties are too close together.
 - The school is too close to the road.
 - Sufficient parking needs to be provided.
 - Homes should be fitted with heat pumps/solar panels.
 - Design should be better than those built at Red Lodge.
 - Good space and storage standards should be applied.
 - The land is good agricultural land. Less productive land should be used first.
 - Sites within the settlement boundary should be used first.
 - The development stretches the village out even further effectively creating two separate communities.
 - The village is poorly served by public transport.
 - Cumulative impacts not considered.
104. Subsequently, a further **2 letters** of **objection** were received to the proposals from local residents. Many of the issues and objections had been raised previously and are reported in preceding paragraphs above. The following additional points were made:

- Putting a new school so far out of the village would by itself create a huge traffic problem; children are unlikely to walk to a school at this site.
- There are already more people than the facilities can comfortably cope with.
- Lakenheath is not an appropriate location for the levels of growth proposed by all the planning applications.

Policy:

105. The Development Plan comprises the policies set out in the Joint Development Management Policies document (adopted February 2015), the Core Strategy Development Plan document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. The following policies are applicable to the proposal:

Joint Development Management Policies Document (2015)

106. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design.
- DM27 – Housing in the Countryside
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

Core Strategy (2010)

107. The Core Strategy was the subject of a successful legal challenge following

adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1 CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

Visions

- **Vision 1** – Forest Heath
- **Vision 5** – Lakenheath

Spatial Objectives

- **Spatial Objective H1** – Housing provision
- **Spatial Objective H2** – Housing mix and design standard
- **Spatial Objective H3** – Suitable housing and facilities (life time homes)
- **Spatial Objective C1** – Retention and enhancement of key community facilities.
- **Spatial Objective C2** – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective C4** – Historic built environment.
- **Spatial Objective ENV1** – Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** – Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** – Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** – Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** – Designing out crime and anti-social behavior
- **Spatial Objective ENV6** – Reduction of waste to landfill.
- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

Policies

- **Policy CS1** – Spatial Strategy
- **Policy CS2** – Natural Environment
- **Policy CS3** – Landscape Character and the Historic Environment
- **Policy CS4** – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- **Policy CS5** – Design Quality and Local Distinctiveness
- **Policy CS6** – Sustainable Economic Development and Tourism
- **Policy CS7** – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- **Policy CS9** – Affordable Housing Provision
- **Policy CS10** – Sustainable Rural Communities
- **Policy CS13** – Infrastructure and Developer Contributions

Local Plan (1995)

108. A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of those 'saved' policies subsequently replaced upon the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document.

- **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
- **Inset Map 12** (Lakenheath Development Boundary)

Other Planning Policy:

Supplementary Planning Documents

109. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
- Suffolk Advisory Parking Standards (Second Edition 2015)

Emerging Development Plan Policy

110. The application site is formally allocated for a housing development and primary school within the emerging Site Allocations Development Plan Document. This document, and the related Single Issue Review document are currently the subject of examination by the Planning Inspectorate. The degree of weight that could be attributed to the emerging plans in the consideration of this planning application is discussed later in the next section of this report.

National Policy and Guidance

111. The Government has recently (July 2018) updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

How does the NPPF define sustainable development?

112. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of

future generations to meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:

- i) economic (to help build a strong, responsive and competitive economy),
- ii) social (to support strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)

113. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
114. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

115. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussions about whether the development proposed by this planning application can be considered acceptable in principle in the light of the provisions of the Development Plan. It then goes on to analyse other relevant material planning considerations (including national/local policy and site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

116. Given the scale of development proposed, its location and the issues it raises, the planning application needs to be screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Secretary of State has issued a Screening Direction with respect to this planning application and, having considered the likely impacts of the proposals, in isolation and in combination with other proposed developments, concluded the development is not 'EIA Development' and confirmed an Environmental Statement is not required to accompany the planning application.

The Conservation of Habitats and Species Regulations 2017 - (hereafter referred to as the Habitats Regulations).

117. Given the location of the various designated nature sites in the vicinity of the application site (including the Breckland Special Protection Area and

Special Area of Conservation) consideration has been given to the application of these Regulations.

118. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation. Regulation 63 states the decision making authority before deciding to...give permission...for a plan or project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an 'appropriate assessment' of the implications of the plan or project for that site in view of that site's conservation objectives.
119. Officers have previously screened the project under the Regulations and concluded that the requirements of Regulation 63 were not relevant to the proposal and thus appropriate assessment of the project (under Regulation 63) was not required in the event that planning permission was to be granted. In accordance with UK law, the assessor had regard to proposals to mitigate the impact of the development upon European designated sites in drawing conclusions.
120. In April this year the Court of Justice of the European Union handed down a judgement which changes the way in which planning applications (and other projects) that trigger the provisions of Regulation 63 are to be considered ('People over Wind, Peter Sweetman v Coillte Teoranta' Case reference C-323/17). The judgement ruled that in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or application, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of that plan or project. This outcome differs from the previously relied upon domestic case law which had established that when undertaking a Habitats Regulations Assessment (HRA), mitigation measures should be taken into account during the screening stage.
121. As a direct consequence of this ruling the Council has considered the proposals against the provisions of Regulation 63 afresh and have concluded that an appropriate assessment is required. A copy of the Council's 'Habitat Regulations Assessment' (which forms the appropriate assessment) is attached to this report as Working Paper 1. The assessment concludes the proposal alone, and in combination with other projects, would not result in likely significant effects on the Breckland Special Protection Area or the Breckland Special Area of Conservation.

Natural Environment and Rural Communities Act 2006

122. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed in preceding paragraphs above and later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

123. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Forest Heath Development Plan is comprised of the adopted Core Strategy, the Joint Development Management Policies Document adopted in 2015 and the saved policies of the Local Plan. National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

124. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

125. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

126. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form, being behind a frontage tree belt and the site being off-set from the corner of the Conservation Area designation, the development would not affect views into or out of the heritage asset. There is bound to be an increase in traffic using the main road south bound through the Conservation Area following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Lakenheath Conservation Area in isolation or in combination with other current development proposals in the village which may subsequently be granted planning permission.

Crime and Disorder Act 1998

127. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

Equality Act 2010

128. Officers have considered the provisions of the Act, including the potential impact of the development on people with 'protected characteristics' in the assessment of the planning application but the proposals do not raise any significant issues in this regard. The Building Regulations would ensure the dwellings and primary school are provided with nationally prescribed

minimum accessibility standards as part of the construction and, via compliance with Design Bulletin 93 (as part of the Building Regulations process) would provide an appropriate acoustic environment within the new school buildings such that children whom may experience disabilities with respect to their speech or hearing and/or children whose first language is not English and clarity of speech is particularly important to assist comprehension would not be disadvantaged.

Community Infrastructure Levy Regulations 2010

129. These generally set out regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application and will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).
130. Regulation 122 imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation is-
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development, and
 - (c) fairly and reasonably related in scale and kind to the development.
131. Regulation 123 imposes further limitations on use of planning obligations and effectively bars the collection of pooled contributions towards infrastructure projects or types where 5 or more obligations securing contributions towards that infrastructure project or type have already been entered into. These restrictions are commonly referred to as 'pooling restrictions'.

Principle of Development

National Policy context and Forest Heath's 5-year housing supply.

132. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-inforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
133. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are

addressed and that land with permission is developed without unnecessary delay.

134. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five-years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (or a 10% buffer if demonstrated via an annual position statement, or a 20% buffer where there has been significant under-delivery of housing over the previous three years).

135. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to habitats sites and or designated SSSIs, designated heritage assets and areas at risk of flooding); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

136. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Paragraph 75 introduces the Housing Delivery Test, but (at paragraph 215) postpones its implementation until the first publication of national results (expected in November 2018).

137. Paragraph 177 of the NPPF states: "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. As explained at paragraphs 117-121 above, an Appropriate Assessment of the application proposals has been carried out and, accordingly, paragraph 11 of the NPPF, including the

'presumption in favour of sustainable development', is not relevant to the application proposals. Given the conclusions of the Appropriate Assessment (Working Paper 1, attached) the carrying out of the process itself does prevent planning permission from being granted for the proposals or add any weight against a potential granting of planning permission.

138. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. This housing need requirement was calculated prior to the NPPF and the method of calculating housing need does not align with the requirements of the NPPF. Accordingly the provisions of Core Strategy Policy CS7 are afforded little, if any, weight in considering whether the Council is able to demonstrate a 5-year supply of housing sites.
139. Core Strategy Policy CS7 is presently being updated to reflect the requirements of the NPPF. The emerging 'Single Issue Review of Core Strategy Policy CS7 Overall Housing Provision and Distribution' Development Plan Document having reached examination following submission to the Planning Inspectorate last year. The emerging Policy CS7 plans for housing need from 2011 to 2031 and draws on the evidence base set out in the current Strategic Housing Market Assessment and makes provision for 6800 new houses over the 20 year period equating to 340 dwellings per annum.
140. The Council's five year housing Supply statement (2017) uses the higher housing requirement in the emerging Policy CS7, and adds historic under delivery of housing (2011-2017). The evidence set out in the document confirms the Council is presently able to demonstrate a five year supply of housing. Important contributions to the five year supply are included from the application scheme and the other three planning applications for large scale development at Lakenheath (items B, C and D from the table set out beneath paragraph 20 above). The housing trajectory predicts that the application proposals would deliver 120 dwellings within the 5 year period and is thus considered an important site in terms of maintaining the 5 year housing supply going forward. Furthermore, the other three developments proposed at Lakenheath (planning applications B, C and D from the table) are forecast to deliver 215 further dwellings towards the housing supply over the five year period.
141. Given that the planning application proposals are included as part of the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan, it is inevitable that, unless the applications are approved, the Council would fall into a position where it is not able to demonstrate a 5-year housing supply.
142. Some commentators have referred to the ongoing release of circa 550 former USAFE personnel dwellings at Lords Walk on the edge of the RAF Lakenheath airbase to the south of Lakenheath (in the Parish of Eriswell) onto the housing market as either contributing to the five year housing

supply or evidence that further new housing is not required at Lakenheath. This stock of dwellings is already counted as 'existing' housing stock and is therefore already counted in the housing supply and the 'release' of the existing housing stock at Lords Walk does not contribute to the supply of housing over the next 5 year period.

Adopted Local Plan policy context

143. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
144. The relevant surviving elements of Core Strategy policy CS7 confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
145. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites would be allocated for at least 600 dwellings was quashed by the High Court decision and carries no weight in determining this planning application.
146. Core Strategy policy CS6 states that economic and tourism growth at Lakenheath will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.
147. Policy DM1 of the Joint Development Management Policies Document re-affirms the tests set out at paragraph 11 of the NPPF (which do not apply to these particular proposals). Policies DM5 and DM27 set out criteria against which development (DM5) and infill housing (DM27) proposals in the countryside (outside defined settlement boundaries) will be considered.

The Emerging Development Plan documents

148. Lakenheath is designated as a Key Service Centre in the Forest Heath Core Strategy and, as such, the Single Issue Review of Policy CS7 (the SIR) initially proposed that it should accommodate an additional 828 dwellings over the plan period. The application site at Station Road is allocated for housing development as part of the Council's emerging Site Allocations Development Plan (SALP) document.

149. The SIR and SALP have reached examination and were the subject of hearings held in September and October 2017. Subsequently, the Inspectors wrote to the Council in January 2018 to set out their concerns about the proposed distribution and soundness of the SIR and indicated possible ways forward. In particular, the Inspectors considered that the distribution of new homes did not sufficiently reflect the 'settlement hierarchy' at Core Strategy policy CS1. The Inspectors' noted the potential to plan for more housing development at Newmarket in order to tip the balance of new housing development towards the District's most sustainable locations (noting environmental constraints at Brandon for example). The Inspectors noted that the soundness concern raised is capable of remedy through main modifications, and offered three potential options to the Council, including a re-consideration of the balance of distribution between the towns and the Key Service Centres.
150. The Council considered its options at the Full Council meeting in February 2018 and resolved to propose main modifications and additional modifications on the SIR and SALP which would result in an additional 450 homes being provided at Newmarket together with 5ha of employment and new school and reduce the distribution in both Red Lodge by 50 homes and Lakenheath by 165 homes. At Lakenheath, it was resolved to remove site allocation SA8 (d) (land north of Burrow Drive and Briscoe Way) from the SALP. The modifications have been accepted by the Inspectors, have been the subject of further consultation and, in June 2018, were the subject of further focussed hearing sessions. At the time of writing, the Inspectors final report on the SIR and SALP documents were awaited.
151. The policies set out in the emerging plans can be attributed weight in reaching decisions on planning applications. The NPPF advises the degree of weight will depend upon the stage the plan has reached in the process, their degree of consistency with the NPPF and the nature of any unresolved objections to individual policies.
152. The emerging Local Plan (the SIR and SALP together) has reached an advanced stage in its process towards adoption which significantly increases the weight that can be attributed to it in determining planning applications. The Council has sought to resolve the Inspectors' soundness concerns by reducing housing numbers at Red Lodge and Lakenheath and increasing housing provision at Newmarket. These modifications have been accepted by the Inspectors. There remains unresolved objections to the inclusion of the application at Station Road as a housing and primary school allocation in the emerging Local Plan. This serves to reduce the degree of weight that should be attributed to it when considering the planning application.

Prematurity

153. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework (in this case the emerging 'SIR' and 'SALP' documents).

154. The NPPF addresses 'prematurity' and states:

- *...in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- *Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*

155. In this case the development proposal for up to 375 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is at an advanced stage in the plan making process and the proposals are fully consistent with the content of the latest and modified version of the emerging SALP.

156. Officers consider it would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that without the development, the Council is unlikely to be able to demonstrate a five year housing land supply.

157. On the basis of national guidance on the issue of prematurity officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the emerging elements of the Development Plan.

Officer comment and conclusions on the principle of development

158. It is clear that the application proposals, owing to the situation of the application site at a 'countryside' location (as currently defined) are contrary to the dominant operative policies of the adopted Development Plan. The proposals were formally advertised as a departure from the provisions of the Development Plan at the outset. Accordingly, and as a starting point both Section 38(6) of the 2004 Planning Act and the NPPF set out a 'presumption against' the development and direct that planning permission should be refused unless material considerations indicate otherwise. Officers advise that, setting aside the provisions of the

emerging SALP document, the clear breach of the development plan which these proposals represent must not be overlooked in the consideration of this planning application.

159. The NPPF is capable of amounting to a material consideration that may justify granting planning permission for development which is contrary to the provisions of the Development Plan. The Framework does not equate to a 'blanket approval' for residential development in locations that would otherwise conflict with Development Plan policies (even where a five year housing supply cannot be demonstrated). In this regard it is an important to keep in mind the fact that the 'presumption in favour of sustainable development' embedded in paragraph 11 of the Framework does not apply to these proposals. It remains the case that the planning application falls to be determined in accordance with Section 38(6) of the 2004 Act (paragraph 123 above) with the NPPF being a key material consideration in the balance.
160. This report will go on to consider whether or not it is appropriate to grant planning permission as a departure from the normal provisions of the Development Plan in the light of any 'material considerations that indicate otherwise'.
161. Before that assessment is made, it is first appropriate to consider whether the application proposals might be supported by or offend any other policies of the development plan. It is also appropriate to consider the influence of relevant national planning policies and guidance. This will establish whether there are other material considerations that will influence the final decision (either positively or negatively).

Impact upon the countryside

162. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising i) the intrinsic character and beauty of the countryside and ii) the benefits of the best and most versatile agricultural land and of trees and woodland, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
163. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
164. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.

165. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
166. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
167. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites.
168. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.
169. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
170. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
171. The impact of the development proposals upon the landscape qualities and character of the wider countryside could be significant given the village edge location of the site. However, this is tempered somewhat by existing mature planting on site boundaries, including the frontage roadside boundary. Whilst the development would penetrate the existing strong 'green' village boundary, significant opportunities exist to provide new strategic planting at the sensitive site boundaries (north, part east and part west boundaries in particular) in order to soften the impact of development upon and assimilate it into, the countryside. Further opportunities would exist to provide further strategic planting within the development, including (in time) significant new tree canopy cover. Details of proposals for the landscaping of the site are reserved from this hybrid planning application.

172. The impact of the proposed development upon the landscape is, on balance, considered acceptable with any significant adverse effects capable of mitigation via the introduction of new landscaping (the precise details of which would be secured at reserved matters stage).

Sustainable transportation (accessibility) and impact upon the local highway network (highway safety).

173. The Framework states transport issues should be considered from the earliest stages of ... development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

174. The NPPF goes on to confirm the planning system should actively manage patterns of growth in support of these objectives. Furthermore, it advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (which can help to reduce congestion and emissions, and improve air quality and public health). However it also recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and concedes this should be taken into account in both plan-making and decision-taking.

175. With regard to considering development proposals, the Framework states that, in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network

(in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

176. It is national policy that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
177. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
178. Policy DM44 of the Joint Development Management Policies document states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
179. Policy DM45 requires the submission of a Transport Assessment to accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
180. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel away from the village to their place of work. There is a range of community facilities in the village, including some shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street) and whilst planning permission is extant (and implemented) for a new grocery shop off the High Street, close to the village centre, there is an element of doubt that this facility will be delivered.

Information submitted with the planning application

181. The planning application is accompanied by a Transport Assessment. The document uses the TRICS database to calculate that (excluding trips associated with the school) an average of 93 cars/vans would use the vehicular access during the am peak (21 arrivals and 72 departures) and

82 vehicles during the pm peak (55 arrivals and 27 departures), which equates to approximately 1.5 vehicle movements per minute during the peak periods.

182. The Transport Assessment dis-regards car trips to the primary school as inconsequential to overall number of trips given that it predicts the majority of trips to the school will be by foot and cycle or (for longer trips from outlying villages) by bus.
183. The document recognises that pedestrian access into the village is poor and suggests this would benefit from the provision of footpath and cycleways and a pedestrian crossing. It also offers pro-rata contributions (alongside contributions from other developments proposed in the village) for relevant junction capacity/safety improvements and confirms the existing 30mph speed limit zone in Station Road would be extended east, beyond the frontage of the application site.

Officer comment on transportation matters

184. It is likely that occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular) and, consequentially, the majority would be undertaken by car. However, there are a range of services and facilities in the village that will prevent or reduce the need for travel to some facilities. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given the village scale of Lakenheath and its relatively isolated and self-contained situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and officers' therefore consider they are sustainable in transport terms.
185. Means of access into the site is included with the planning application for consideration now. The concept plan illustrates the position of the proposed vehicular access onto Station Road adjacent to the site to be provided for a new primary school. This positioning of the access would involve the felling of a small number of trees. The provision of visibility splays may require the felling of further specimens.
186. The application is accompanied by sufficient information to demonstrate the loss of trees to provide vehicular access from the site onto Station Road would not impact adversely upon biodiversity interests (bats, in particular). Furthermore, information received relating to tree felling has confirmed the specimens are of a low grade and their felling in order to facilitate the development proposals is considered acceptable by officers. The proposed punctuation of the tree belt to provide vehicular access would not adversely affect the visual and landscape value of the wider protected tree belt on the Station Road frontage of the application site.
187. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the applicant has offered to provide contributions

towards the enhancement sustainable links to the village centre. Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development, in isolation, would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

188. The cumulative traffic impact of the development, along with various other proposals for housing development in the village (those listed in the table beneath paragraph 20 above) is considered later in this section of the report.

Impact upon natural heritage

189. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity. The following principles should apply when determining planning applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

190. As is the case here, the presumption in favour of sustainable development set out at paragraph 11 of the Framework does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

191. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this

objective will be implemented.

192. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance. Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
193. This particular requirement also forms part of the emerging policy SA8 of the Site Allocations Local Plan document which allocates the application site for a housing development. Emerging Policy SA8 refers to the Maidsclough Hill SSSI and the Breckland SPA designations in this regard and also requires avoidance and mitigation measures to be incorporated into the design and layout of the allocated sites to provide well connected and linked suitable natural greenspace and enhancement and promotion of dog friendly access routes in the immediate vicinity of the development.
194. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

Impact upon internationally and nationally designated sites

195. The designated Special Protection Area (SPA) is situated to the east of Lakenheath. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons. The application site is outside the SPA boundaries and outside the 1.5km buffers drawn outside its boundaries. Part of the site (the eastern edge) is situated within the 1.5km buffers to Stone Curlew nesting attempts outside the Special Protection Area. The SPA is also vulnerable to increased recreational visitor pressure (indirect impact) from new housing developments located at distances greater than 1.5km from the SPA boundaries. Accordingly, direct and indirect impacts upon the conservation interests of the SPA cannot automatically be ruled out and, in accordance with the requirements of Core Strategy Policy CS2, further consideration of potential impact is required, initially via a project level Habitats Regulations Assessment.
196. The approach to be taken to considering a development proposal that might affect an SPA is set out in ODPM Circular 06/2005. The first stage in the process is to establish whether the proposed development is directly connected with, or necessary to, nature conservation management of the

SPA. That is not the case with the application proposals, so consideration passes to the second stage. The second stage is to determine whether the proposals are likely to have a significant effect on the interest features of the site (including those recorded outside of the SPA designation), either alone or in combination with other plans or proposals.

197. Two of the three qualifying features of the SPA, namely Nightjar and Woodlark breeding areas are located sufficient distances away from the application site such there would be no direct impacts upon them arising from development in isolation or in combination with other plans and projects. The potential direct impacts of development upon Stone Curlews nesting locations outside the SPA and indirect impacts arising from increased recreational pressure requires closer examination and consideration.

198. The applicants have submitted Habitats Regulations Assessment information with the planning application. The information has been prepared by a suitably qualified Ecologist (Applied Ecology Ltd). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and reaches the following conclusions;

- An HRA has been carried out to establish the likely effects of a proposed residential development in Lakenheath on the Breckland SPA stone curlew qualifying features. This includes an assessment of the development alone and also in combination with other proposed housing schemes in Lakenheath.
- Natural England was satisfied that up to 670 new dwellings in Lakenheath would not result in adverse impacts on the integrity of the SPA.
- The HRA has been based on an assessment of stone curlew nest data and habitat suitability. It concludes that the Lakenheath North application on its own and in combination with other proposed housing developments is unlikely to result in a significant adverse impact on the integrity of the SPA's qualifying features, on the basis of the location of the development on land that is unsuitable habitat for stone curlew nesting and feeding and the low likelihood of increased recreational use of nearby public rights of way or access land adversely affecting stone curlew breeding habitat.
- Significant recreational disturbance to off-site stone curlew habitat that occurs in the 1,500m SPA buffer zone is also not considered likely to occur as a result of the Lakenheath North application, either alone or in combination with other projects. This is because any increase in use is likely to be restricted to public rights of way and open access land without impacting any nearby agricultural land with potential for stone curlew nesting. Dog walkers originating from Lakenheath are considered likely to primarily use on-site recreational space for exercising their dogs in combination with publically accessible locations, such as Maidscomb Hill LNR, that do not have good public

footpath connectivity to SPA designated land.

- In order to minimise the risk of increased recreational pressure on public rights of way and Midsicross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
- Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.

199. The applicant's Habitats Regulations Assessment has been the subject of public consultation. Natural England were (in December 2015) content the proposed development would not have significant effects upon the conservation interests of the SPA and advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required. These conclusions are deemed out of date by virtue of the judgement in the 'Wind Over People' case handed down by the European Court of Justice earlier this year (paragraphs 117 to 121 above). An Appropriate Assessment is required to be undertaken before the Local Planning Authority can consider approving the planning application. This has been undertaken and is attached for information as Working Paper 1.

200. The RSPB took a different view to Natural England with respect to potential impacts to the SPA and expressed concern that some residential development would be constructed within the 1.5km buffer to Stone Curlew nesting attempt locations outside the SPA boundaries.

201. Natural England (December 2015) confirmed it was content with the planning application, including its potential direct and indirect impacts (including in-combination impacts) upon the Special Protection Area. The body then drew back from that definitive advice (March 2016) and requested further time to re-consider potential impacts upon the SPA (including in-combination impacts) in the light of new information they had received. However (and finally in May 2016), Natural England confirmed their final view that the development proposals would not impact upon the SPA and thus reverted back to the position they had previously taken in December 2016. All comments received from Natural England are summarised above in the 'Consultations' section of this report.

202. The concerns expressed by the RSBP are not considered to represent significant effects upon the SPA designation. The Council has carried out appropriate assessment of the project in accordance with the provisions of the Habitats Regulations and concluded it would be unlikely to give rise to significant effects upon the integrity of the European sites, both individually and in combination with other plans and projects.

203. The Lakenheath Cumulative Traffic Study prepared independently to consider the potential cumulative impact of development upon the local transport network did not identify that any significant improvements or other alterations would be required to junctions close to the SPA designation (i.e. junctions to the north and south of Lakenheath onto the A1065 Brandon to Mildenhall Road). Accordingly, the highways mitigation arising from the proposed developments at Lakenheath would have no impacts upon the SPA.
204. The potential impacts to the SPA from these development proposals (alone and in-combination with other projects) arise from potential increased recreational pressure. Lakenheath lacks sufficient quantities of large public open spaces that are attractive to dog walkers. The site that is readily available for public use is at Maidscross Hill, but this site is a designated SSSI and is in an unfavourable condition owing at least in part to the level and nature of its recreational use. The planning application proposes a policy compliant level of public open space to serve the 375 dwellings proposed (and sufficient playing field land to serve the primary school). In this case, however, the applicants are proposing to provide large additional areas of land to act as a 'Suitable Alternative Natural Greenspace' to offset recreational pressures upon the SPA. Not only is this designed to provide for the recreational needs of the occupants of the application site, but it will also be freely accessible and attractive to occupiers of the other new housing developments (particularly those located to the north of the village) and existing residents. This in turn would help to alleviate recreational pressures upon the SPA and Maidscross Hill. The provision of the SANG land (which would be provided in full by this development and not shared with other developments) is an important and significant benefit of these planning application proposals and adds substantial weight in support of the scheme.
205. Natural England has advised there are unlikely to be significant effects upon the Special Areas of Conservation designations to the east of Lakenheath.
206. Officers conclude that the applications proposals are acceptable in terms of their potential impacts upon European (SPA and SAC) and Nationally (SSSI's) designated sites, with particularly strong benefits being realised indirectly to the Maidscross Hill SSSI to the south of the application site.

Protected species.

207. The planning application was accompanied by a Phase 1 Habitat Survey (dated October 2014) which recommended;
- Manage retained woodland belts as dark unlit habitats for the benefit of nocturnal wildlife with essential road and security lighting designed to minimise light spill and illumination of the canopy.
 - Retain and manage rich grasslands where practicable to do so or provide replacement compensatory grassland areas in peripheral areas

of the site in association with retained woodland belts.

- That further surveys for reptiles and great crested newts are undertaken.
- Provide bat and bird boxes within the new development.

208. The site was subsequently surveyed for reptiles, great crested newts and stone curlews and, in October 2015, a Phase 2 Ecology Report was submitted to accompany the planning application. The survey found the presence of reptiles at the site but Great Crested Newts and Stone Curlew were found to be absent. The following recommendations were made with respect to mitigating the impacts of development upon reptiles;

- An area of suitable grassland habitat needs to be created or set aside as habitat to enable the relocation of reptiles from the wider site.
- It is considered that land set aside for ecology and recreation within the Lakenheath North Concept Plan could be designed and constructed to provide a suitable receptor area for reptiles from the wider site as necessary. It is advisable that the ecology land is created well in advance of site clearance operations to ensure that it has had sufficient time to develop a sward structure and associated invertebrate assemblage that is attractive to reptiles.
- A reptile exclusion fence will need to be constructed around this area to separate it from the rest of the site prior to reptile relocation and maintained while construction works are ongoing.
- Once suitable habitat is set aside and the exclusion fence is in place around the receptor area, reptiles will need to be captured from the five areas that they occupy using a combination of progressive vegetation clearance and hand capture facilitated by artificial refugia and placed in the receptor areas.

209. The implementation of the recommendations set out in both Phase 1 and Phase 2 Ecological Assessments could be secured by a suitable method statement required by planning condition.

210. Surveys of the trees proposed to be felled (to provide vehicular access) for bats have been carried out and the results submitted with the planning application. The survey information concluded that the trees proposed to be felled were of no value to bats. Accordingly, the loss of the trees for vehicular access is acceptable with no specific bat mitigation required. Further information with respect to the provision of visibility splays required for the access could be secured by condition, in the event that planning permission is granted.

211. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). It has also been determined following

'Appropriate Assessment' of the implications of the proposals under the provisions of the Habitats Regulations that no adverse effects would arise to the integrity of the SPA.

212. There is presently no evidence to dispute the applicants view that a carefully a constructed development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions and or via a S106 agreement, as appropriate.

Impact upon trees

213. The application site is fronted by a belt of mature tree and hedgerow planting which provides a distinctly rural character to the northern gateway into the village. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village upon the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. All of the trees on the north side of Station Road (including those fronting the adjacent Rabbit Hill Covert site) are protected by formal Tree Preservation Orders. Officers consider it is vital that as much of the vegetative cover as possible is retained along the frontage (and western side boundary) as part of these development proposals.
214. The application has been amended to include tree survey information identifying the tree specimens that would need to be felled to make way for the new vehicular access and its associated visibility splays. This information has been assessed and the loss of a small number of specimens from the tree belt and the creation of a gap to provide vehicular access into the application site is not considered significant.
215. Opportunities are available to enhance the existing tree stock by removing declining specimens and providing new tree planting to compensate for specimens that may need to be felled to make way for access or because of their poor condition. New / replacement / compensatory planting would be secured by condition at detailed and/or subsequently at reserved matters stage. Furthermore longer term and beneficial management and maintenance of the tree belt could be secured.
216. The impact of the development upon existing trees is considered acceptable.

Impact upon built heritage

217. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It

includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and assets identified by the local planning authority (including local listing).

- 218. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
- 219. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
- 220. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
- 221. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
- 222. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and 1% sample trial trench evaluation. The applicant shared the results of the evaluation with Suffolk County Council whom provided advice.
- 223. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 65-67 above. Further archaeological investigations and recordings could be secured by means of an appropriately worded planning condition should planning permission subsequently be granted.
- 224. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

- 225. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate the provision of infrastructure.
- 226. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

"The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional

requirements arising from new development”.

227. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
228. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
229. Matters pertaining to highway, education, health and open space infrastructure are addressed later in the report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

Waste water treatment infrastructure

230. Details submitted with the planning application confirms the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works.
231. The Draft Infrastructure Delivery Plan (DIDP) which identifies infrastructure needs to support the emerging Single Issue Review and Site Allocations Local Plan confirms that some new or improved sewers and upgrades to pumping stations may be required to facilitate development in the District, depending on the location of developments. The document also confirms that no significant constraints to delivery have been identified. At Lakenheath, the DIDP identifies there are no constraints associated with Lakenheath WRC in terms of treatment capacity or discharge capacity.
232. The available evidence confirms the proposed development is acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water Services, the statutory sewerage undertaker which has not objected to the application and has not requested the imposition of any conditions relating to the treatment of waste water arising from the development.

Water supply

233. The DIDP identifies there may be a future water supply deficit and a solution is planned. Water supply has not been identified as a constraint on the level of development for Lakenheath proposed in the emerging Development Plan. Anglian Water Services has not identified water supply as a constraint on this development as part of their comments about the planning application.

Energy supply

234. The DIDP does not identify any issues with capacity in the energy supply network and, as such, this is not a constraint on the development. The village is served by Lakenheath major substation.

Flood risk, drainage and pollution

235. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
236. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from, or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
237. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
238. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
239. The bulk of the application site is in Flood Zone 1 (low risk of flooding) although there is a small area towards the rear (north) of the site adjacent to the cut-off channel which is situated in Environment Agency flood risk Zones 2 and 3 (at risk of flooding). This area is to be set aside as strategic public open space with significant buffers in place to the nearest dwellings. It is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby channel (to the north of the site), being outside its modelled floodplains.
240. The amended flood risk assessment submitted with the planning application confirms that soakaways would not be appropriate for surface

water drainage of the development given soil conditions. The proposal is to discharge surface water via a gravity system into the cut-off channel to the north. Surface Water would be attenuated such that it discharges no greater than existing 'greenfield rates'. Surplus water in storm events would be held in attenuation tanks below ground and above ground swales.

241. The planning application is accompanied by a Phase I desk study Ground Contamination Report. This study has found some potential sources of contamination at the site, albeit low risk contamination and recommended that a Phase II investigation is carried out in the two areas of the site identified. The report also recommends decommissioning of an existing borehole prior to development taking place in that area.
242. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.
243. The application proposals, in isolation, would not give rise to any concerns about potential impacts arising upon air quality at the site or wider village/transport routes. Further discussion about the potential cumulative impacts of development upon air quality is included later in the report.
244. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) Council's Environmental Health Team (contamination and pollution control) and the Flood Water Management Team at Suffolk County Council have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
245. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply and air quality) considerations.

Impact upon education

246. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create expand or alter schools through decisions on applications.
247. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement.

248. The County Council as Local Education Authority has confirmed the village school has reached its 315 place capacity. This means that the primary school aged pupils emerging from these development proposals would either i) need to be accommodated in a new primary school facility which is yet to be built in the village or ii) pupils would need to be diverted to alternative primary schools outside of the village. Suffolk County Council is currently considering a detailed planning application for the construction of a new primary school at Station Road. Furthermore, this current planning application includes proposals in outline form for the construction of a primary school on the same site as that being considered by Suffolk County Council. Planning permission has already been granted for the construction of vehicular and pedestrian accesses into the school site. Emerging Policy SA8 (b) of the Site Allocations Local Plan includes the provision of a new primary school within the land allocation at Station Road (relatively close to the Briscoe Way site) albeit only limited weight can be attributed to the emerging policy provision at this time.
249. Given the planning history and status of current planning applications, it is likely that a new primary school will be provided in the village in a relatively short space of time to provide sufficient capacity for the pupils forecast to emerge from these development proposals. The application proposals would lay the foundation for delivering a primary school on this site and is considered a significant benefit of the application proposals. The inclusion of the construction of a school within the planning application proposals weighs significant support in favour of the scheme.
250. The cumulative impact of pupil yields emerging from other planning applications proposing significant new housing development in the village also needs to be considered. This is assessed later in this section of the report. Developer contributions to be used towards the early years (pre-school) education and for land and build costs of providing a new primary school in the village (within the application site) are also discussed later in this section of the report.
251. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.

Design and Layout

252. The Framework states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
253. It also advises that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

254. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

255. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

256. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same, but is specific to proposals for residential development.

257. The dwellings and school proposed by the planning application are submitted in outline form with all matters reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.

258. A design and access statement was submitted with the planning application to explain the design strategies underpinning the layout proposed by the Hybrid planning application. However, following officer concerns about the quality of the scheme submitted for the 368 dwellings, details of which were initially included in detail (full planning permission)

were withdrawn and all of the dwellings (375 in total) included in the planning application reverted to outline status.

259. The amount of the site to be set aside for built development has been reduced during the lifetime of the planning application in order to provide additional land for strategic open space and ecological mitigation (discussed elsewhere in this report). This has resulted in a reduced area of the site (17.9) hectares being available for the 375 dwellings proposed by the planning application (including ancillary roads, open spaces, landscaping and other infrastructure serving the residential scheme). The school has a separate land parcel (3.1 hectares). This equates to a gross density in the region of 25 dwellings per hectare which is considered suitable at this edge of village location. The amended outline elements of the planning application are not accompanied by an illustrative layout drawing, but in this instance its absence does not raise concerns with officers given there is little doubt the 375 dwellings could be accommodated on the site in an acceptable manner.
260. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage. The layout and landscaping of the site and appearance of the buildings would be considered in detail at the later reserved matters stage in the event that planning permission is granted.

Impact upon residential amenity

*Impact upon the amenities of the residents of the proposed development
– Military Aircraft*

i). National Planning Policy

261. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
262. Paragraph 2.18 of the Noise Policy Statement for England reiterates the need to balance the economic and social benefit of the development/activity with the environmental impacts, including the impact of noise on health and quality of life. It is clear in stating that noise impacts should not be treated in isolation.

ii). Local Planning Policy

263. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies

Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development and not site sensitive development where its users would be significantly and adversely affected by (inter alia) noise, unless adequate and appropriate mitigation can be implemented.

iii). Relevant standards and Guidelines for noise

World Health Organisation (WHO): 1999: Guidelines for Community Noise

264. This is a wide ranging document describing the effects of community noise. It provides information about the effects of noise that may occur at certain levels of exposure. For dwellings, the critical effects of noise are taken to be sleep disturbance, annoyance and speech interference.

265. Indoor guideline values are provided for bedrooms with the aim of protecting against sleep disturbance, a guideline value of 30 dB LAeq for continuous noise and 45 dB L_{Amax} for single sound events (no more than 10-15 occasions per night) is recommended. To enable casual conversation during the daytime an internal guideline noise level of 35 dB LAeq is provided.

266. With respect to external noise levels it is stated that:

"To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55 dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50 dB LAeq."

British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings)

267. The applicants have carried out their noise assessment in accordance with this British Standard. British Standard 8233:2014 provides recommendations for the control of noise in and around buildings. It suggests appropriate criteria and limits for different situations, which are primarily intended to guide the design of new buildings, or refurbished buildings undergoing a change of use, rather than to assess the effect of changes in the external noise climate.

268. The standard suggests suitable internal noise levels within different types of buildings, including residential dwellings. It suggests that for steady external noise sources, during the day, an internal noise level of 35 dB LAeq,T is appropriate for resting conditions within living rooms and bedrooms and a level of 40 dB LAeq,T is applicable to dining rooms. During the night, an internal noise level of 30 dB LAeq,T is recommended within bedrooms.

269. The recommended levels are based on the existing guidelines issued by the World Health Organisation (WHO) and assume normal diurnal

fluctuations in external noise. It is also stated that *'Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.'*

270. For regular individual noise events with the potential to cause sleep disturbance it is stated that a guideline value may be set in terms of sound exposure level (SEL) or L_{Amax,F}. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.

271. Recommendations for design criteria for external noise are also provided, in this regard it is stated;

'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB L_{Aeq,T}, with an upper guideline value of 55 dB L_{Aeq,T} which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'

272. The external and internal ambient noise levels L_{Aeq} criteria in BS 8233:2014 is concordant with those contained within the WHO guidelines.

ProPG: Planning and Noise (New Residential Development)

273. Professional Practice Guidance on Planning and Noise for new residential development (ProPG) was published June 2017 by the Chartered Institute of Environmental Health (CIEH), the Association of Noise Consultants (ANC) and the Institute of Acoustics (IOA). The guidance has been produced to provide practitioners with guidance on the management of noise within the planning system in England.

274. The guidance focusses on proposed new residential development and existing transport noise sources and reflects the Government's overarching Noise Policy Statement for England (NPSE, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (including PPGN), as well as other authoritative sources of guidance.

275. The guidance provides advice for Local Planning Authorities (LPAs) and developers, and their respective professional advisers which complements Government planning and noise policy and guidance and, in particular, aims to:

- Advocate full consideration of the acoustic environment from the

earliest possible stage of the development control process;

- Encourage the process of good acoustic design in and around new residential developments;
- Outline what should be taken into account in deciding planning applications for new noise-sensitive developments;
- Improve understanding of how to determine the extent of potential noise impact and effect; and
- Assist the delivery of sustainable development.

276. ProPG provides guidance for producing an initial site noise risk assessment, pre-mitigation, based on the prevailing daytime and night time noise levels across the site, from which the site (or areas thereof) can be zoned. The chart below shows Stage 1 noise risk assessment criteria and is taken from Figure 1 of ProPG.

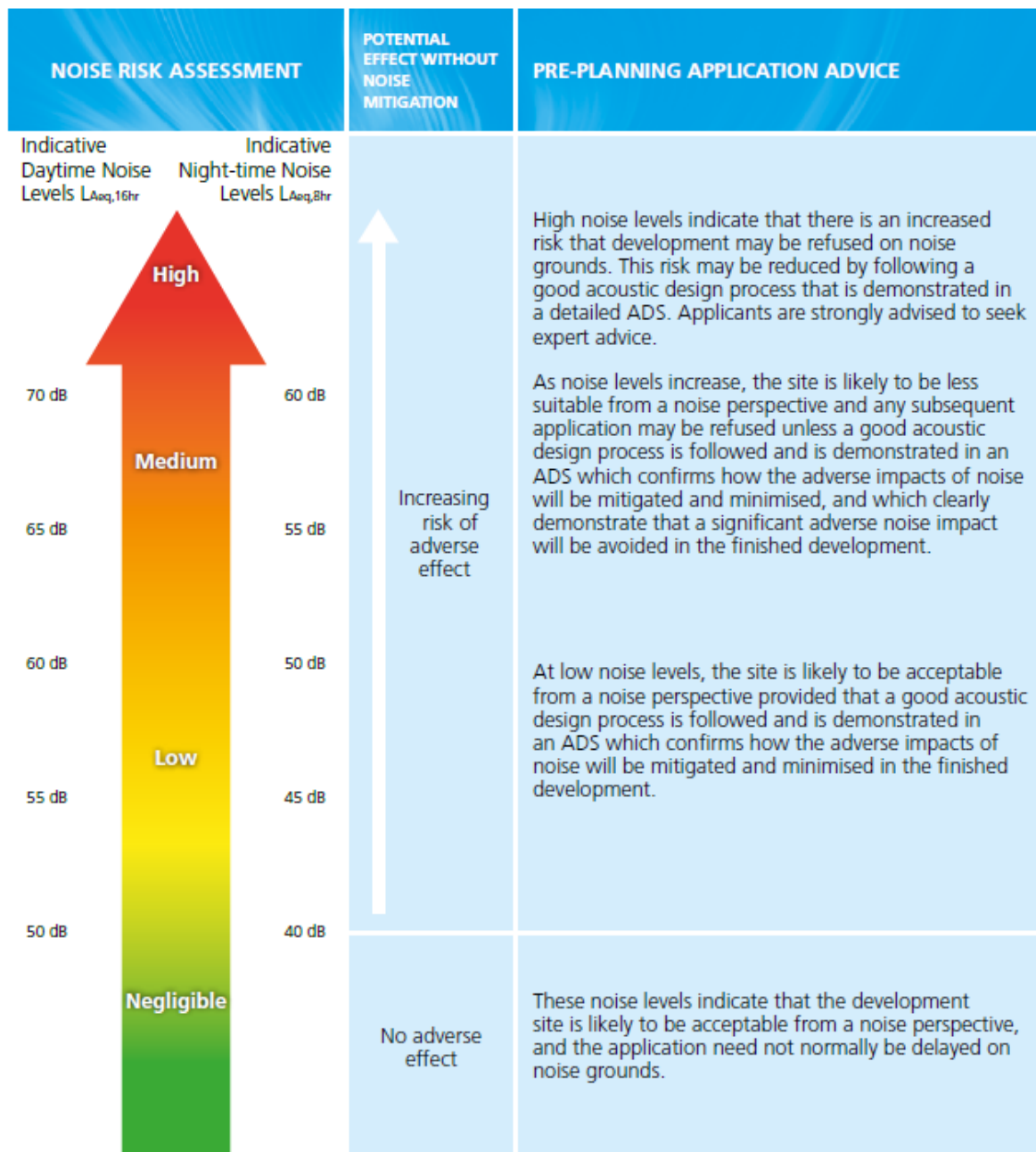


Figure 1 Notes:

- Indicative noise levels should be assessed without inclusion of the acoustic effect of any scheme specific noise mitigation measures.
- Indicative noise levels are the combined free-field noise level from all sources of transport noise and may also include industrial/commercial noise where this is present but is "not dominant".
- $L_{Aeq,16hr}$ is for daytime 0700 – 2300, $L_{Aeq,8hr}$ is for night-time 2300 – 0700.
- An indication that there may be more than 10 noise events at night (2300 – 0700) with $L_{Amax,F} > 60$ dB means the site should not be regarded as negligible risk.

ProPG Figure 1: Initial Site Risk Assessment (measured/predicted, empty site, pre mitigation)

277. Stage 2 of the ProPG assessment requires consideration of four key elements to be undertaken in parallel. The Stage 2 assessment is intended to be proportionate to the risk, as determined by the initial site risk

assessment.

278. The four elements of the Stage 2 assessment and implications on acoustic design are discussed below.

Element 1 - Good Acoustic Design Process

279. Following a good acoustic design process is a key part of achieving good design, as required by NPPF and NPSE. It is imperative that acoustic design is considered at an early stage of the development process.
280. A good acoustic design process takes an overarching and integrated approach in order to achieve optimal acoustic conditions, both in terms of internal noise levels within habitable rooms and external amenity noise (e.g. in gardens, balconies etc.).
281. Good acoustic design should avoid 'unreasonable' acoustic conditions and prevent 'unacceptable acoustic conditions. ProPG notes that good acoustic design does not mean over-engineering or 'gold plating' all new developments but instead should aim to provide an optimum acoustic outcome for a particular site.

Element 2 - Internal Noise Level Guidelines

282. The second element of Stage 2 is to seek to achieve recommended internal noise levels inside noise sensitive rooms in new residential development. The guideline values proposed are the same as those provided in BS 8233:2014 and WHO, including the recommendation that maximum noise levels should not exceed 45 dB LA_{max} more than 10 times per night.
283. Designers should principally aim, through good acoustic design, to achieve these noise levels in sensitive rooms with windows open. Where noise levels are assessed with windows closed, justification is to be provided.

Element 3 - External Amenity Area Noise Assessment

284. ProPG recommends the guideline values of 50 – 55 dB LA_{eq,16hr} in gardens and external amenity areas, where such areas are an intrinsic part of the overall design. If these values cannot be achieved in all areas, the development should be designed to achieve the lowest practicable noise levels. The provision of relatively quiet alternative publically accessible external amenity space may help to offset the noise impact in high noise areas.

Element 4 - Assessment of Other Relevant Issues

285. This guidance reflects advice already provided in NPSE and PPG-Noise and includes acoustic factors that determine whether noise could be a concern, e.g. the number, frequency and pattern of noise events; the spectral content of the noise, the character of the noise (i.e. the presence of tones or other features such as impulsiveness), possible cumulative impacts from several sources as well as local topology and topography.

286. Other relevant issues to be considered include: magnitude and extent of compliance with ProPG; likely occupants of the development; acoustic design vs. unintended adverse consequences; acoustic design vs. wider planning objectives.

Building Regulations 2000 and Building Bulletin 93 "Acoustic Design of Schools"

287. Part E4 of the Building Regulations relates to acoustic conditions in schools and requires:

Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.

288. Section 8.1 of Approved Document E of the Building Regulations provides the Secretary of State's view that the normal way of satisfying Requirement E4 will be to meet the values for sound insulation, reverberation time and internal ambient noise which are given in Building Bulletin 93 (BB93).

289. BB93 sets out minimum performance standards for the acoustics of school buildings and describes the normal means of demonstrating compliance with the Building Regulations. It also states that planning conditions should not be applied where matters are covered by other legislation, such as the Building Regulations. Accordingly, and for the purposes of this planning application, the applicant is required to demonstrate that it is possible to achieve compliance with the standards set out in BB93, but it is for the Building Regulations to secure final compliance.

290. BB93 sets out acoustic standards which need to be met. These vary according to the intended use of the room/space. For example, a classroom within a primary school setting would need to achieve 35 dB LAeq, 30mins (or 30dB if the space is intended for students with special hearing or communication needs) whilst a library or sports hall would need to achieve 40 dB LAeq, 30mins.

291. Neither the Building Regulations, nor BB93 set out standards or requirements for external spaces (for teaching or recreation).

iv). Noise information submitted with the planning application – Residential Component

292. In July 2018, the applicants submitted a noise assessment to accompany the planning application. The assessment was prepared jointly with the adjacent development site (Rabbit Hill Covert – reference F/2013/0345). The formal consultation period for this document expired on 20th July 2018. The Assessment considers impact of noise upon the residential component of the planning application and does not address noise to the proposed primary school (which is considered against different standards).

293. Comments have subsequently been received from the Council's Public Health and Housing Team including confirmation that the submitted Noise Assessment is adequate for the purposes of considering and assessing potential effects from noise impact and for mitigation (paragraph 49 above).
294. The NIA was based on field surveys carried out over several days between 19th and 28th June 2018. Military aircraft were observed during the day but discussions with the base revealed aircraft activity over this period was reduced from 'typical' levels. Previous discussions with the airbase had revealed there are typically 40-45 flights departing from the base per day. The noise consultant adjusted the noise data to reflect this higher level of aircraft movement. This increases the robustness of the conclusions and recommendations of the report. The field work recorded daytime noise levels of up to 57db LAeq,16-hr. The consultant adjusted the noise level in the Noise Assessment to 62 dB LAeq,16-hr (or 63 dB LAeq,16hr for building facades adjacent to Station Road) to be representative of 'typical' operations of the airbase. The noise consultant noted this level was lower than that indicated by the DIO noise contour information and, for the purposes of assessment and mitigation adopted a higher assumed noise level of 67 dB LAeq,16hr to ensure the 'worst case' scenario was addressed.
295. The noise assessment also includes data to demonstrate the 'maximum' noise levels recorded (i.e. individual events). These typically peak at levels between 80 and 90 dB (LAF max) although on one occasion over the 10 day period a 100 Db measurement was captured. The 'maximum' noise levels are relatively sporadic and irregular (around 26 'events' were recorded where maximum levels exceeded 80 dB over the 10 day recording period. These were most likely the consequence of aircraft movements and given their irregular nature were not considered further in the applicants' noise assessment.
296. The noise assessment also includes a night time assessment. The recordings did not observe any jet activity during the night time period (11pm to 7am), although distant helicopter noise (probably from night activities from RAF Mildenhall) was detected. RAF Lakenheath does not normally operate flights during the night time. The average measured night time level was 41 dB LAeq,8hr. This was adjusted to exclude bird song detected after 03:30am which gave an adjusted night time recording of 38 dB LAeq,8hr. This level was then adjusted again to reflect a position close to the Station Road frontage in order to more accurately reflect noise from road use at the site frontage. This estimated a noise level at the south end of the site as 48dB LAeq,8hr. The highest individual night time noise level (LAF,max) detected in the middle of the site was 62dB LAF,max, which the noise consultant confirmed was primarily due to bird song. The consultant took a precautionary approach towards noise likely to be generated by early morning (pre-07:00am) vehicle movements given they did not have access to information about the number of movements. The consultant adopted a worst-case by taking the highest daytime LFmax level (for traffic movement) of 68dB LAF,max to be

representative of the highest regularly occurring night time maximum noise levels.

297. Using the ProPG criteria the application site was deemed in the noise assessment to be of 'low-medium' risk during the day time (7am to 11pm) and negligible-low risk during the night time (11pm to 7am). The noise mitigation strategy included in the applicants assessment has been designed to achieve internal noise levels set out by the World Health Organisation guidelines. The external areas of the site would remain unmitigated and would exceed the WHO guidelines for most periods when aircraft are passing.
298. The applicant assessed the noise risk to the proposed development using the criteria set out in the ProPG guidance (table beneath 276 above). Daytime noise risks were assessed at the upper end of the scale denoting low risk and the lower end of the scale denoting medium risk. The night time noise levels in the middle of the site and the north of the site were assessed at the lower end of the scale denoting low risk and, at the south end of the site (closest to Station Road) as low risk.
299. The noise assessment includes an acoustic design statement based on the applicants risk assessment. This recognises that the principal source of noise to the site is from aircraft. Accordingly, it concedes that external measures usually used to control road noise, such as noise barriers, would be ineffective and therefore internal noise levels to the dwellings will need to be achieved through design of the building envelope, including acoustic glazing and acoustically attenuated ventilation, particularly to the roof construction and windows. In terms of the roof construction the report recommends the use of unencapsulated mineral wool or glass wool (200mm minimum thickness) and dense plasterboard to supplement conventionally plastered ceilings. For windows (to habitable rooms), acoustic triple glazing is recommended, although (subject to further consideration when a site layout and housing designs are prepared) a form of double glazing may be suitable. Windows to non-habitable rooms (bathrooms, WCs and circulation spaces should not require special treatment). Mechanical acoustic ventilation would be required for the habitable rooms (given the windows would need to be closed). Most dwellings on the site would achieve internal noise requirements at night time with windows open, although some of the properties to the south of the site with windows facing towards Station Road may need specific mitigation against night time disturbance (the consultant recommends bedrooms are positioned on the north side of the affected dwellings to enable windows to be opened at night).
300. In terms of external amenity spaces, the noise assessment recognises that daytime noise levels are likely to regularly exceed 60dB LAeq,16hr, but considers the daytime noise climate is characterised by short periods of relatively high noise levels due to overflying aircraft, with low residual noise levels at other times. Garden areas to the south of the site (closest to Station Road) are recommended to be provided with 1.8metre high acoustic fencing to screen from traffic noise which, in the absence of overflying aircraft would ensure all of the site would meet the upper guide

value in the standards of 55dB LAeq,T. The report acknowledges that there are no effective and practicable methods of reducing aircraft noise in external amenity areas and does not propose any. The report offers the view that given the short duration of overflights and the low residual ambient level, a significant reduction in the amenity of the external amenity areas is not expected.

v). Noise information – Primary School component.

301. The planning application includes proposals (in outline at this stage) for the construction of a primary school on part of the site. This is shown to be provided towards the south eastern part of the site, towards the Station Road frontage.
302. The noise assessment provided to accompany this planning application does not include an assessment of potential impacts upon the site set aside for delivery of a primary school. There is, however, a current planning application resting with Suffolk County Council for the construction of a new primary school on the same site (paragraph 18 above). That application is for full planning permission and includes full details of the siting, design and construction of the school building. That planning application is accompanied by a noise assessment which specifically considers the potential impact of noise to the school and from the school (including during its construction). Given that planning application proposes a school on the same site set aside for the same use within this hybrid planning application, it is considered reasonable to have full regard to the evidence provided within the school application noise assessment in considering the implications of the primary school site included in the planning application being considered by the Committee.
303. The noise assessment accompanying the school planning application was prepared by the same consultant (Adrian James Acoustics Ltd) whom prepared the assessment for the wider housing and school proposals.
304. The scope of the assessment was to assess the potential impact of road traffic and aircraft noise affecting the proposed school and the potential impact of the school affecting nearby existing residences and proposed residences on the 'Lakenheath North' development.
305. An unattended sound level meter was installed at the site between 20th March and 27th March 2017. A further short attended survey was under taken on 20th March at a position close to Station Road.
306. The school noise assessment considers the potential impact of the school development upon the local environment, including nearby dwellings (existing and proposed) noise from additional traffic movements (including cumulative traffic movement), noise from plant and services, school activity noise (including use of the football pitches and ball court) and construction noise.
307. The school noise assessment also considers noise affecting the use of the school, including from aircraft and road traffic, and also noise impacts

emanating from the school itself (including ventilation, plant and services). The assessment goes on to consider sound insulation requirements of the building envelope. Recommendations are made with respect to the materials to be used to the external walls, glazing, external doors and the roof structure. The recommended windows are acoustic sealed double glazed units with a substantial solid timber/aluminium framing system fitted with compressed acoustic seals and windows no greater than 15m² per classroom. It is also recommended that a door lobby is created for the external doors to improve acoustic performance. The roof construction includes consideration of rain noise.

308. The recommended constructions and ventilation were then used to calculate internal ambient noise levels (34 dB LAeq, 30min) and the internal short term noise level (or maximum level in a 30 minute period – 55dB LAF1, 30min).
309. The school noise assessment also considered external teaching and play areas. It recognises that the acoustics of the external areas are not controlled by the Building Regulations (and BB93) and refers to the recommendations for good practice set out in the document 'Acoustics of Schools: a design guide' published jointly by the Institute of Acoustics and Acoustics & Noise Consultants. At section 2.2 this recommends, for new schools, 60 dB LAeq,30min should be regarded as an upper limit for external noise at the boundary of external areas used for formal and informal outdoor teaching and recreation and where spaces are used for teaching, noise levels should not exceed 55dB LAeq,30min and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50dB LAeq,30min.
310. The assessment comments that the nature of noise on the school site is very different to that typically found on sites affected by road traffic noise. On the application site, daytime noise levels during school hours are predominantly influenced by relatively short period of high noise levels due to overflying aircraft, with relatively low and constant residual noise levels at other times. This is demonstrated in the assessment via a series of time history charts derived from the site noise recordings.
311. The acoustician recommends a noise strategy for external teaching as follows:
- Given the high short term noise levels during aircraft overflights, it is unlikely that a teacher would be able to address a group of children for the duration of the overflight and it is unlikely that the short-term noise in any external area could be mitigated sufficiently to allow this. Teaching would therefore need to be paused for short periods during aircraft overflights.
 - Between direct overflights, the primary source of noise on the school site is passing traffic on Station Road to the south-east of the site. The school buildings will provide some acoustic screening of traffic noise to the outdoor dining area and nearby grassed areas to the north and we would expect road traffic noise levels in these areas to be at least

5dB(A) less than those in unscreened external areas, and are therefore expected to be below 50dB LAeq,T during periods between aircraft overflights.

- We understand that several covered shelters are to be provided around the site. These may provide some mitigation of direct noise from passing aircraft for pupils' comfort during external play and teaching in small groups. To provide a reasonable degree of attenuation, we would recommend that these shelters are of a timber sandwich panel construction comprising, as a minimum, 100mm timber stud frames with 100mm mineral wool infill (typical density 10-16kg/m³) between studs, clad on both sides with 18mm plywood or OSB. Any rain screening or weather finish should be added on top of the external 18mm cladding board. Shelters should be enclosed on three sides and the roof, to leave one open side which should ideally face north or north-east to provide optimal screening from passing aircraft. We would typically expect such shelters to provide around 5dB(A) reduction in noise levels from passing aircraft.

312. Copies of the planning application proposing a new primary school within the application site are available on the websites of both Suffolk County Council under reference SCC\0021\18 and Forest Heath District Council under reference DC/18/0644/CR3. The noise report is included as part of the appendices to the Environmental Statement which accompanies that planning application. Suffolk County Council has carried out full stakeholder and public consultation, the results of which are also available on their website (but not Forest Heath's website). Furthermore, Suffolk County Council planners sought independent expert advice on the content of the noise assessment. This is also available on Suffolk County Council's website. In summary, the following comments were provided:

- *The acoustic report states that the proposed development site is considered acoustically suitable for a primary school. I generally agree with the assessment methodology adopted and the recommendations given in the report. I consider, however, that aircraft noise could prove a significant issue in any external teaching areas. If there are to be any such areas, therefore, I recommend you satisfy yourself that the school body are fully aware of and accept the limitations on the use of any external areas.*

vi). Appeal decisions

313. The Parish Council has drawn the District Council's attention to two appeal decisions where impacts from aircraft noise was a central and determining issue. The first (reference APP/R0660/W/15/3027388) related to a site at Mobberley near Knutsford in Cheshire. Here the appeal scheme proposed a mixed use development, including dwellings. The second appeal decision (reference APP/Q3115/W/16/3163844) was briefly referred to by the Parish Council's noise consultant and related to a residential development of a site at Benson in Oxfordshire.

314. At Mobberley the appeal site was close to Manchester International Airport

and its two runways (which were around a mile away). The site was also affected by noise from industrial and traffic sources. The Inspector noted that some 80% of all flights leave the run ways towards the appeal site. The housing was proposed within the 60 dB(A) and 63 dB(A) noise contours drawn to reflect the peak activities of the airport. In summarising his assessment about noise impact, the Inspector commented that a suitable external noise environment (in the external private gardens) would not be achieved and would have a significantly adverse impact on the quality of life of future residents. He also weighed into the equation that the 'sealed box solution' to providing an acceptable internal acoustic environment would further detract from the residents' quality of life and was an additional factor weighing against permission.

315. In his overall conclusions the Inspector dismissed the appeal and considered that the adverse effects of the development (identified as noise and Green Belt impacts) would significantly and demonstrably outweigh the benefits he had identified.
316. At Benson, the appeal site was located close to RAF Benson, an operational airbase housing over 20 military and emergency service helicopters (including Puma's and Chinooks). The Puma helicopters are principally on standby for UK and overseas aid or emergency deployment whereas the Chinooks were primarily used for training during the night and day for around 21 weeks per year. The external sound (daytime) was measured at 54db Laeq (16 hours) and was used by the inspector to analyse impacts to external amenity spaces of the proposed dwellings. The night time noise measurements were not quoted by the Inspector, although he considered that with windows closed (sealed box) the internal spaces would not exceed WHO guidelines but with windows open (which he considered likely during the summer period) noise in bedrooms (during night time military training exercises) would exceed WHO levels. The Inspector found against the proposals on both the daytime (external) and the night time (internal) noise impacts and concluded that the proposed development would result in an unacceptable impact on the living conditions of occupiers that would give rise to significant adverse effects on health and quality of life.
317. It is also pertinent to consider the Inspectors comments on noise impacts in the recent appeal at Broom Road in Lakenheath (appeal reference APP/H3510/W/16/3149242; planning application reference DC/14/2073/FUL). In that case, 120 dwellings were proposed at the site in Broom Road which is around 1km from the airbase runway. The Inspector noted the site was situated within the 72db contour (LAeq 16hr) and considered the appeal on the basis of the appellants' estimate that the majority of the appeal site would be about 75dB LAeqT. The Inspector observed several military aircraft taking off and considered that concerns about the acoustic environment for future residents were well founded, but considered, after mitigation, the proposals would afford a reasonable level of amenity in relation to inside living space. In terms of the external spaces, the Inspector recognised there would be very limited scope to mitigate airborne noise and concluded therefore that the development would conflict with policy DM2 which expects that sensitive development should not be sited where users would be significantly affected by noise.

318. In this respect, and whilst recognising the conflict with Policy DM2, the Inspector went on to consider the fact that Lakenheath is identified in the adopted Core Strategy as a key service centre and in the emerging Single Issue Review as a location for a substantial amount of new housing with several sites allocated for development in the emerging Site Allocations Plan. The Inspector recognised that the appeal site is closer to the airbase than those in the SALP but considered it seems likely that the acoustic environment for residents will be comparable. Accordingly, she exercised her planning judgement with respect to the living conditions of future residents and attached only limited weight to the conflict with Policy DM2 in this regard. The appeal was dismissed for other reasons with only limited weight being added to the refusal owing to the identified adverse acoustic environment at the site.

vii). Assessment of impacts to the proposed development from aircraft and traffic noise sources.

319. The Parish Council has previously requested that the applicants prepare and submit a site specific noise assessment for the planning application. This has now been received. In addition to their concerns about the adequacy of noise information accompanying the planning application, the Parish Council also previously raised concerns about the impact of aircraft noise (in particular) to the residents of the proposed development and the operation of the school and as set out above, have historically referred to a couple of appeal decisions where planning permission was refused solely or partly on the grounds of adverse impacts arising from military aircraft noise (not at Lakenheath).

320. The DIO did object to the planning application for a period of time but following agreement being reached regarding the wording of controlling conditions which are to be applied to any planning permissions granted, those objections were withdrawn. In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The contours confirmed the application site is situated within a 66-72 dB LAeq (16-hr) noise contour.

321. In April 2017, following publication of the refreshed noise contours, the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to housing development proposals within the 66-72db LAeq (16-hr) noise contour, the MoD advises as follows:

"...acoustic insulation is required. Suggested measures include, but are not limited to;

- Acoustic primary double glazing system of at least 6.4L[1](12)10 for all windows;*
- Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*

- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*
- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used."*

322. The Noise Assessments summarised above confirm the internal spaces of the proposed dwellings and the proposed primary school could (and will) be mitigated against noise impacts arising from military aircraft and road traffic to WHO (dwellings) and Building Regulations/Design Bulletin 93 (primary school) levels. This assumes that windows will be closed with mechanical ventilation provided. The publication of new noise contours for RAF Lakenheath airbase in 2017 and the related informal planning advice prepared by the Ministry of Defence confirms that development of the application site (for housing) is acceptable in principle (with respect to aircraft noise) and the internal spaces of the buildings are capable of mitigation.

323. The Ministry of Defence has confirmed that night flights are rare occurrences and do not feature as part of a normal training regime at RAF Lakenheath. Accordingly it is unlikely that the night time sleep patterns of the occupants of these dwellings would be disturbed by aircraft noise to the extent that they would experience health issues. This has been demonstrated as part of the applicants' noise assessment. This sets the application proposals apart from the 'Benson' appeal case raised by the Parish Council where night flights were a part of normal training routines and the Inspector considered there would be a considerable risk to the health of occupants of those proposals as a consequence. Furthermore, military helicopters were the subject of the Benson appeal whereas at Lakenheath, military jets are the principal noise source. Accordingly it appears to officers that circumstances differ significantly between the Benson appeal and this planning application such that the Inspectors conclusions in that case cannot automatically be applied to these proposals at Lakenheath.

324. Similarly, the circumstances were different at the Mobberley appeal scheme where the housing site was affected by constant, but varying noise from passing civilian aircraft at a busy airport. Furthermore, the dwellings in that case would also have been affected by noise from other sources (roads and industry). Again the circumstances of that case are significantly different to the Lakenheath scenario such that it is not appropriate to transfer the Inspectors conclusions to these proposals for development at Lakenheath.

325. That said, it remains the case that external spaces of the application site at Lakenheath, including the domestic gardens, school fields and playgrounds, public paths and public open space proposed, cannot be adequately mitigated against the effects of aircraft noise. In this regard, and as the external areas cannot be defended to levels below the relevant standards, it is likely that

- i) the residents of the proposed houses would experience significant disturbance from passing aircraft when using their gardens and a proportion of these will be annoyed by the experience and,
- ii) Teaching carried out in the external areas of the school site is likely to be affected for short period when aircraft are passing the site to the extent that the teacher (if a formal session is being taken) may have to pause communication with students for a short period.

326. In light of the above, your officers consider the proposals would conflict with Policy DM2, which states development proposals should (inter alia) not site sensitive development where its users would be significantly and adversely affected by noise unless adequate and appropriate mitigation can be implemented.

327. Aircraft noise is a complex matter to assess and it is difficult to determine with precision the noise climate around the village of Lakenheath. This is because of the variations in (in particular) daily operational activities at the base, the tracking of aircraft and the influence of weather conditions. Accordingly, it is important that noise assessments are not only based on actual recordings captured as a 'snapshot in time' but are also considered alongside modelled noise contours. The applicants have followed this approach in their own assessments.

328. It might be assumed that, following a narrow assessment of the noise impacts from military aircraft upon the development, that a refusal of planning permission could be justified. The external areas of the site cannot be mitigated to standards set out in the relevant guidance and, accordingly, breach planning policies that require residential amenity to be safeguarded. This is essentially the position the Parish Council has adopted with respect to the planning application.

329. Before the Committee considers reaching that same conclusion, however, it is important to exercise an element of planning judgement and, in this case, to consider the noise context of the site and, in particular, the context of the noise climate at Lakenheath. The Committee will also need to consider whether, notwithstanding the outcome of the noise assessment, whether there are any other mitigating factors which may serve to reduce harm to residential amenity.

330. In this regard, officers' consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site would be reduced by i) the sporadic and short term nature of the individual aircraft movements, meaning that noise events persist for short periods only (and for the

majority of the time the background noise levels at Lakenheath village are no different to any other typical village), ii) the non-operation of the base at weekends when the garden areas in particular are likely to be most used, iii) the selection of the site for the provision of a new school by Suffolk County Council and the subsequent submission by them of a planning application for the construction of a new school.

331. Officers consider the latter is a strong indicator that the Local Education Authority are content with the noise climate of the application site, that the internal spaces of the school can be adequately mitigated against noise and that, whilst there may be disturbance to lessons undertaken externally of the school building, that disturbance would for short periods only and would not prevent the external spaces from being used for teaching. It is also relevant to consider that, according to the noise contours (and in the context of Lakenheath village as a whole), the application site is situated in the most favourable noise environment bearing in mind that noise levels increase as you move south from the site. If a more favourable noise climate is required for a new school in comparison to those provided at the application site it is likely that the school would either need to be detached from the village and provided at a more isolated and/or disconnected countryside location, or provided within an alternative village or town (which is likely to exclude Brandon which is also affected by aircraft noise and largely to the same extent as the application site).
332. Furthermore, and again with respect to the proposed primary school, it is relevant to note (but must not be overriding in Members' thoughts) that the existing village primary school is located in a noisier environment than the application site (within the 70db noise contour), the school buildings were not constructed to defend against aircraft noise and there are no plans, or indeed rational reasons, to close down the existing school as a consequence of the effects of aircraft noise. The school is a high achiever and currently has a 'good' OFSTED rating. There are a number of inspection reports for the primary school available on the OFSTED website and these report consistent performance at the school over the years, but none attributes any academic or operational 'problems' (where problems are identified) to aircraft noise or activity. Indeed, none of the OFSTED inspectors even mention military aircraft noise as an issue or potential source of distraction in their reports.
333. These factors contribute to your officers' view that harm arising from aircraft noise is not overriding in this case and should not, in isolation from other material planning considerations, lead to planning permission being refused. The adverse effects of aircraft noise identified, particularly to the external spaces of the site (during week days) is a matter for the Committee's planning judgement and to consider in the 'planning balance'. Members will note the way in which the Inspector considered the impacts of aircraft noise in the balance in reaching her appeal decision in the appeal case at Broom Road, Lakenheath which is summarised above. Officer views with respect to the planning balance are set out in the concluding comments below.
334. If planning permission were to be granted in this case, conditions could be

imposed in order to ensure maximum noise levels are achieved in the relevant internal living spaces of the dwellings. The internal spaces of the school building would be governed by the Building Regulations.

335. The announced introduction of two squadrons of Lockheed Martin F-35 Lightning II aircraft into RAF Lakenheath may change the noise climate of the village again in the future, although it is understood the type of F-35's that will operate from the base will have similar noise outputs to the existing F-15's (when both are used to their maximum capabilities). The Ministry of Defence has provided further information about the operations of RAF Lakenheath following the bedding down of the F35's as part of their request for a formal Screening Opinion of the project under the EIA Regulations (the documents are available on the Council website under register reference DC/18/0456/EIASCR).
336. The Screening Report states that the introduction of the F-35A aircraft is (by 2023) expected to result in a reduction in the overall number of military movements at RAF Lakenheath compared to the current baseline levels. This is owing to a reduction in the number of F15 jets stationed at the base in combination with significant F35-A pilot training being carried out on the ground in computer simulators. The Screening Report includes modelled noise contours for the year 2023, following the bed-down of the F-35A squadrons, and illustrates a slight retraction of the 2017 (and current) noise contours. This signifies a minor improvement to the noise climate in the village. This improvement is unlikely to be perceivable by the civilian population of Lakenheath which means that, at 2023, the noise climate of the village (including the application site) will be comparable with the current situation. This means that, from the evidence made available, the future (imminent) expansion of RAF Lakenheath to receive the F-35A squadrons does not materially influence the determination of this planning application.
337. Whilst the predictive noise contours for 2022 illustrate a slight improvement in the noise climate of the village, including the application site, it remains appropriate to secure mitigation which responds to the current noise climate to ensure the 'worst case' scenario is addressed.

viii) Other noise and amenity related matters

Vibration

338. In September 2016, the Ministry of Defence suggested the applicants should undertake a vibration assessment in support of the planning application. In April 2017, however, the Ministry of Defence altered its position which, at the time, was as follows:

"I have reviewed, and taken advice on, the position we have adopted in the past.

Obviously, noise is, in itself, a vibration of the air. Sound waves enter the ear; affect various bones, membranes, and fluids; and, as a result, trigger a nerve response. Disturbance from noise is subjective, and some people

can be more affected than others.

People may become more aware of the disturbance through the transfer of the noise to a building or structure; this is known as Noise-Induced Structural Vibration (NISV). The most sensitive parts of a structure to airborne noise are the windows. Though less frequent, plastered walls and ceilings can also be sensitive. NISV may annoy occupants because of secondary vibrations (e.g. rattling of objects such as crockery, ornaments, and hanging pictures) and can also be noticed when window panes vibrate when exposed to high levels of airborne noise. Therefore, noise surveys should take into consideration the effect of NISV on those who will occupy, use, and/or visit the proposed development if planning permission is granted.

In many cases it is difficult to separate aircraft NISV from that created by other sources, e.g. road traffic and commercial/industrial activity. Even if military aircraft are identified as the source of vibration it is unlikely that a single overpass will result in damage to property; the degree of NISV is often exacerbated due to poor repairs and/or maintenance (e.g. loose roof tiles, poorly installed windows, lack of loft insulation etc.). While we remain concerned that people using and occupying some properties near RAF Lakenheath will experience some vibration, because of the factors I have summarised above, it is my intention that we focus on the effects of noise and do not, unless absolutely necessary, refer to vibration in the future."

339. Since those comments were received in 2017, the Defence Infrastructure Organisation has withdrawn all objections expressed previously to the planning application (including in relation to aircraft noise).
340. There is no evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft. Officers' are not aware of any issues in this regard from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
341. Without any evidence of harm or potential harm caused by vibration to the development proposals, it is considered unjustifiable to request vibration assessments from the applicant.
342. The effects of vibration from military aircraft activities on future occupiers of the proposed dwellings is likely to be perceived as opposed to having a tangible effect. Experience of the effects of vibration has the potential to impact upon ones reasonable enjoyment of their property, but the impacts are unlikely to be significant, particularly at this site which is outside the loudest noise contour and a good distance away from the runways and exit flight paths of RAF Lakenheath where aircraft noise and vibration is likely to be at its greatest.
343. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that only limited weight be attached to the potential harm.

Public Safety

344. At one time, the Defence Infrastructure Organisation was concerned that the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use. Whilst the precautionary position adopted by the Ministry of Defence at the time is noted, it is not considered that the residents of this scheme would be at any greater risk of such incursion than any other site or existing development in the village or indeed elsewhere where military aircraft carry out training exercises.
345. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their aircraft away from built up areas in the event of an emergency.
346. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in your officer's view is not sufficient to justify a refusal of planning permission or add any weight against the proposals.
347. The DIO has latterly amended its position with respect to the planning application, including public safety considerations and no longer objects to the planning application on this or any other grounds.

Impact of the proposed development upon existing residents.

348. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by development given the separation distances created by the need to retain mature tree landscaping along this boundary. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is designed at reserved matters stage.

Impact upon RAF Airbases

349. The Framework states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by (inter alia) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
350. The safeguarding division of the Defence Infrastructure Organisation has been consulted of the planning application proposals and has not raised any concerns in relation to potential safeguarding issues. There are no reasons to suggest that the proposed development (both in isolation and in-combination with other development proposals in the area) might

adversely affect the safe and efficient operation of the RAF Lakenheath and RAF Mildenhall military airbases.

Loss of agricultural land

351. The Framework states that planning decisions should contribute to and enhance the natural environment by (inter alia) recognising the economic and other benefits of the best and most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
352. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently used for agriculture is a dis-benefit of the scheme. Whilst not an issue that would justify a refusal of planning permission on its own, it is an issue to be taken into account in the overall balance of whether the identified dis-benefits of development would significantly and demonstrably out-weigh its identified benefits.

Sustainable construction and operation

353. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
354. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
355. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

356. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out

requirements for sustainable construction methods.

357. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
358. The documentation submitted in support of this planning application includes an energy statement. This sets out how schemes subsequently proposed at Reserved Matters stage could be designed and constructed to accord with Building Regulations requirements. The document also sets out water efficiency measures that would be implemented.
359. The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, is consistent with the policies of the NPPF. Accordingly, (and to ensure the applicants water reduction measures are implemented) it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

Cumulative Impacts

360. Members will note from the table produced beneath paragraph 20 above there are a number of planning applications for major housing development currently under consideration at Lakenheath and Eriswell. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites might be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, only limited assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
361. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed in the table beneath paragraph 20 above. Project E from the table is disregarded given its recent deemed refusal. Furthermore, project F is not included in the assessment given that it is accompanied by an

Environmental Statement which will need to consider and mitigate its individual and residual cumulative impacts.

Primary education

362. If all of the planning applications were to be approved, all primary school pupils emerging from the developments could be accommodated within a new school ahead of any significant dwelling numbers being provided in the village.
363. The County Council has confirmed the application site is their 'preferred site' for the erection of a new primary school. The County Council's work to deliver a primary school at this site is well advanced with up front-loaded funding secured (pending later developer S106 contributions) and a detailed planning application currently being considered by the Planning Authority at Suffolk County Council.
364. If outline planning permission is granted for the school as part of this planning application, the use of the land for a primary school would be secured which would provide the County Council with opportunity to secure the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme.
365. Clearly the delivery of a site for the erection of a new school would be a significant benefit of these proposals. Not only would the opening of a new school unlock housing growth in the village (and, if appropriate, the wider school catchment), it would also relieve pressure upon the existing village school which is at or close to capacity and would avoid pupils having to travel to alternative schools outside the village to gain a primary education.
366. The development proposals would provide proportionate funding for the construction costs of the new primary school and a proportion of land for the school site would be provided free of charge. Accordingly, the applicants have done all they can lawfully do to mitigate the impact of their development upon primary school provision.

Highways

367. The Local Highway Authority (Suffolk County Council) has progressively commissioned cumulative traffic studies to assess the potential impact of new development at Lakenheath upon the local road network, via its consultants, AECOM. The first independent study was commissioned following the now out of date decisions of the Development Control Committee to grant planning permission for three planning applications at its September 2014 meeting (Applications, B, C and D from the table included above, beneath paragraph 20). A requirement for the cumulative study formed part of the resolution of the Development Control Committee for those planning applications. At that time the other planning

applications listed in the table (including this planning application) had not been submitted to the Council. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of other planning applications proposing significant new housing development in the village.

368. The cumulative traffic study was subsequently updated independently by the Local Highway Authority via their consultants, AECOM. This was the subject of public consultation. The updated cumulative study considers four different levels of potential development at Lakenheath:

- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 20 of this report)
- 663 dwellings (specifically applications A, B, C and D from the same table)
- 1465 dwellings (which addressed the housing included all planning applications current at the time the report was prepared; two planning applications have been refused planning permission/dismissed at appeal since that time) and
- 2215 dwellings (to enable sensitivity testing).

369. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand' at that time) concluded all of the junctions, with the exception of three, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The three junctions where issues would arise cumulatively were identified as i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout") and, iii) the A1065/B1112 Staggered Crossroads.

370. The Highway Authority has advised the threshold for works being required to the Lords Walk and the A1065/B1112 junctions are above the levels of housing growth presently being considered. Accordingly, no mitigation measures (or developer contributions) are required for these particular junctions from these development proposals.

371. The Eriswell Road junction is more complicated given i) the need to carry out improvements to increase the efficiency of the junction before any of the large scale housing developments can be occupied and ii) the limited available land for improvements to be carried out to this junction within existing highway boundaries.

372. The cumulative study assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being signalisation of the junction and introduction of two entry lanes. A focussed update to the study examined the first option in more detail and demonstrated that an appropriate scheme could be delivered within the

boundaries of the highway without requiring the incorporation of third party land outside of existing highway boundaries.

373. The second (larger) option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first (smaller) option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first circa 850 dwellings (located on sites to the north of the junction) without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850th dwelling.
374. The study does not clarify precisely (or roughly) where the tipping point is and it is not precisely clear how many dwellings (above 850) could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does confirm that, with new signalisation being provided within the highway, the improved junction would be capable of accommodating the traffic flows emerging from all the development proposals presently proposed at Lakenheath without severe impacts arising.
375. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction provided their own evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:
- "It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.
 - The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and this should be understood before any planning consent is granted for new development."
376. The Highway Authority at Suffolk County Council has considered the fresh evidence submitted by Elveden Farms Ltd and has provided the following comments in response:
- "We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.
 - While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be

significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.

- The technical report does make a point about junction blocking impacting on overall performance, this is not considered to fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.
- Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.
- The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."

377. Contrary to representations received on behalf of Elveden Farms Ltd, including that received latterly in June 2017, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating traffic flows from the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has subsequently confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the existing highway.

378. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct and reliable.

379. The required improvements to the 'Eriswell Road' junction would need to be fully implemented in advance of the occupation of the first dwelling in the application scheme (or any of the planning applications proposing large scale development at locations to the north of the junction). This could be secured by means of an appropriately worded 'Grampian' style planning condition.

Special Protection Area, Special Area of Conservation and SSSI

380. The potential cumulative recreational pressure impacts of the Lakenheath housing developments upon the Breckland Special Protection Area, Special Area of Conservation and the Maidscomb Hill SSSI are discussed above in the Natural Heritage sub-section of this report above.

Landscape

381. Given the locations of the proposed housing developments around Lakenheath and the ability of the local landscape to absorb new development (particularly on the edges of settlements), no cumulative landscape impacts are anticipated despite all the projects being proposed around the edges of the village. Lakenheath is a sizeable village and whilst the development proposals in their entirety would represent a relatively significant expansion to it (particularly to the north of the village), no significant cumulative landscape impacts would arise as a consequence.

Utilities

382. The potential cumulative impact of development upon the utilities network has been considered as part of the evidence base of the emerging 'SIR' and 'SALP' Local Plan documents. The Draft Infrastructure Delivery Plan (DIDP) does not raise any issues with respect to the ability of the utilities infrastructure to absorb the level of growth proposed in the emerging plan. Accordingly, there are no concerns with respect to the potential cumulative impacts of the four planning applications proposing new residential development at Lakenheath given that all of these schemes are in the emerging Plan and were therefore included within the scope of the DIDP assessment.

Air Quality

383. The Council's Environmental Health Officers initially expressed concerns about the potential combined impact of the developments proposed at Lakenheath upon air quality and requested further information from the proposals.
384. The Council subsequently commissioned an independent assessment of the potential for the developments, in-combination, to exceed air quality targets. The assessment concluded that, although the developments would lead to an increase in nitrogen dioxide concentrations alongside roads in the village, it is extremely unlikely that these increases would lead to exceedances of the air quality objectives.

385. Given the findings of the assessment, the Council's Environmental Health Officers are now satisfied that no further assessment is required by the developers for any of the applications and previous requests for conditions in relation to air quality can be disregarded.

Health

386. Until relatively recently, the NHS Trust Property Services had not raised any concerns with respect to the planning applications submitted for major residential development at Lakenheath and had previously confirmed there was capacity in the existing local health infrastructure to absorb additional demand arising from the developments.
387. Upon review, the Trust is now concerned that demands for local NHS services arising from the developments proposed in the village cannot be absorbed by existing local health infrastructure. The Trust requested contributions towards mitigation of that impact. The Trust is content the contributions (from this and other developments) can be used to increase capacity at the existing village surgery. There is, therefore, presently nothing to suggest that the impacts upon NHS services could not be adequately mitigated by investment funded from developer contributions.

Summary

388. On the basis of the above evaluation officers' are satisfied that the cumulative impacts of the proposed residential development (in terms of ecology, utilities, landscape, healthcare, air quality, transport and schooling) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused planning permission on grounds of confirmed or potentially adverse cumulative impacts.

Planning Obligations

389. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. These (alongside the restrictions imposed by 123 of the Regulations) are set out at paragraphs 129-131 above. The Framework (and the National Planning Policy Guidance) also advises with respect to the approach to be taken in relation to development viability.
390. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.
391. The developer has confirmed a willingness to meet the required obligations and a formal Agreement under S106 of the 1990 Act is at an advanced

stage. The planning obligations to be secured from the development, which includes a 'policy compliant' package of affordable housing provision, are 'viable' insofar as these would not deem the development 'undeliverable' in financial terms.

392. The following developer contributions are required from these proposals.

Affordable Housing

393. The Framework states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing). Where a need for affordable housing is identified, the Framework advises that planning policies should specify the type of affordable housing required and expect it to be met on-site unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

394. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (which includes 'shared ownership' homes)

395. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (112.5 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

396. As the planning application is in outline form, it is appropriate to secure the percentage of units for affordable housing as required by policy CS9 (30% of 'up to' 375 dwellings = 'up to' 112.5 affordable dwellings). It is also appropriate to secure an appropriate (and policy compliant) tenure mix at this time. The affordable housing has been agreed with the Council and more than 10% of the affordable housing to be secured from the scheme will be 'affordable home ownership' as required by the new NPPF. The affordable housing to be secured from this development is considered to be CIL Regulation 122 compliant (Regulation 123 restrictions are not relevant to affordable housing provision).

Education

397. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and

should give great weight to the need to create expand or alter schools through decisions on applications.

398. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).
399. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested the provision of land and financial contributions (construction costs) from this development. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraphs 68 to 71 above.

Public Open Space

400. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users (e.g. by adding links to existing rights of way networks).
401. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
402. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development, developers will be required to provide open space and other facilities or to provide land and financial contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106

Agreements).

403. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals. Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured on site from the development. The precise quantities of land of the various relevant open space categories set out in the SPA could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into the S106 Agreement. The developer is also provided with an option to transfer these areas of public open space to the Council (with a commuted payment for maintenance). Otherwise the land would need to be managed and maintained by a management company formed by the developer.
404. The 4.7 hectares 'strategic public open space' provision proposed as part of the planning application (which is to be provided in addition to normal SPD public open space requirements) would also need to be secured. This is to be transferred to the Council with a commuted sum for future maintenance. An option to transfer this element of public open space to a management company is not provided. The applicant has also agreed to fund wardening of the 4.7 hectares of land. This would ensure monitoring of use can be undertaken to ensure its objectives to act as a 'SANG' to the Breckland SPA and Maids Cross Hill SSSI are met. Planning conditions will require details of the timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance.

Transportation

405. The Highway Authority has requested contributions i) to be used towards delivery of a new and improved village-wide cycle and pedestrian scheme and ii) towards provision of new bus stops on Station Road. The cycle and pedestrian scheme comprises crossing provision in the form of pedestrian refuges, a new toucan crossing, new footways, conversion of footways to shared cycle/pedestrian facilities, new '20's plenty' signing, signing through the village for cycle routes, dropped kerbs and associated costs. A further contribution would be secured to provide 2 new bus stops and associated infrastructure in Station Road. The applicant has agreed to these contributions which officers consider meet the tests of CIL Regulation 122. Furthermore, this would be one of four obligations that contributions towards the pedestrian/cycle project (and would be the sole contributor towards new bus stop provision) and would therefore also comply with the tests at CIL Regulation 123.

Libraries

406. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £81,600. The County Council has confirmed the monies would be used towards providing a new library facility co-located with the primary school. Officers consider the planning obligation would comply with the requirements of Regulations 122 and 123 of the CIL Regulations.

Health

407. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, a health contribution of up to £123,420 (£329.12 per dwelling) has been requested to provide additional capacity at the local GP surgery. Again, the applicants have agreed to the contribution which officers conclude meets the tests at CIL Regulations 122 and 123.

Summary

408. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health, transportation and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 122 and 123 tests set out at paragraphs 129-131 above.

Conclusions and Planning Balance:

409. This report finds the application proposals are contrary to the dominant operative policies of the Development Plan for the area. This is principally owing to the location of the development in the countryside outside the defined village settlement boundary where new development and particularly housing development is strictly controlled. The consequence arising from the breach of the Development Plan is a 'presumption against' the proposed development.
410. Not only do the proposals offend the 'spatial' policies of the plan by proposing development on a 'greenfield' site in the countryside, they would also harm the local landscape by intensifying the use of the site, and provide new buildings in an undeveloped part the countryside. Officers' consider this harm is capable of some mitigation but conclude overall minor adverse impacts would occur to the character of countryside, thus adding a degree of weight to the 'in-principle' Development Plan led objections to the scheme. It is also of note in this respect that the development of 'greenfield' sites in countryside locations on the edge of key service centres, which would necessitate the loss of agricultural land (including the 'Best and Most Versatile' land) is inevitable if the Council is to meet its current and future housing targets.

411. The location of the development in an area where the external spaces of the site would be adversely affected by aircraft noise, particularly so during peak noise events when aircraft are passing close by, also breaches Development Plan policy.
412. With regard to the residential components of the planning application, having considered the sporadic context of the noise events and the general absence of impact at weekends, officers' consider that a grant of planning permission for the residential development could be justified in this case despite of the proposal's identified conflict with WHO guidelines and (therefore) local planning policy. Officers consider there would be a degree of harm arising from the impacts of aircraft noise to residents of the proposed dwellings and attribute the conflict moderate weight in the planning balance.
413. The external spaces of the primary school would also be affected by aircraft noise. This may cause issues for formal teaching sessions carried out within the school grounds outside the school buildings. However, noise events from passing aircraft are sporadic in their nature such that it cannot be said that all external lessons would inevitably encounter an aircraft flypast. Furthermore, given the relatively short period of any individual aircraft flypast, it is likely that a teacher taking a class outside the school buildings would need to pause verbal communication during the noise event, but would be able to continue thereafter. Whilst the potential for disruption is a negative aspect of the planning application, having considered the context and the position the Local Education Authority has taken in submitting a detailed planning application to develop the site with a new primary school, officers attribute only limited weight in the planning balance to the breach of planning policy this potential conflict represents.
414. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the housing elements of the proposed development. The in-combination effects of this development with other planned housing developments at Lakenheath could have significant impacts upon local primary education provision and could force some pupils to leave the village to secure their primary school place. This harm is balanced by i) temporary nature of the arrangement whilst a new school is built in the village and ii) the fact that this planning application makes provision to mitigate individual and cumulative impacts upon primary education by making land available for the construction of a new primary school in the village. It is also noteworthy that the Local Education Authority has not suggested that pupil attainment would be adversely affected by any temporary arrangements to transport pupils to other locations (should this indeed be necessary). This short term and low level harm identified is attributed only very limited weight against the proposals.
415. As previously confirmed, Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date

development plans to make decisions. As already noted, this is not a case where the presumption in favour of sustainable development (in paragraph 11 of the NPPF) is applicable. Paragraph 12 of the NPPF does recognise that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. That proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;

- The absence of a five year supply of land (should the current planning applications at Lakenheath not be approved) lends significant weight in support to the principle of these development proposals, notwithstanding the fact there is no presumption in favour of the development under the provisions of the NPPF.
- The proposals would provide 30% of the dwellings as much needed affordable housing units (up to 112.5 dwellings). Officers consider this should be afforded significant weight in support of the proposals.
- The application include proposals to erect a primary school in the village. The school is required to unlock housing growth in the village and officers consider that its formal inclusion as part this planning application should be afforded significant weight in its favour.
- The application proposals will provide levels of public open space for the new housing development in accordance with adopted standards set out in the Council's Supplementary Planning Document. This public open space provision is a basic planning policy requirement but would have wider benefits insofar as it would be available for use by existing residents of the village. Officers' consider that the SPD compliant provision of public open space should be afforded moderate weight in favour of the proposals in the planning balance.
- Notwithstanding the SPD compliant public open space provision which will form part of the design and layout of the residential components of the planning application, the planning application also includes proposals for an additional 4.7 hectares of 'SANG' land that is intended to function as public open space for the residents of the scheme and the wider village. It is intended that these spaces will avoid additional pressures being placed upon the Breckland Special Protection Area and Maids Cross Hill SSSI from the new populations that are anticipated to arrive in the village (subject to planning permission being granted) from the developments listed in the table beneath paragraph 20 of this report (particularly proposals A,B,C and D). The SANG may also benefit these designations by diverting existing recreational activity from these areas into the newly provided land. The provision of the 4.7 hectares of public open space land over and above normal SPD requirements is considered by officers to represent a significant benefit of the scheme and should be attributed substantial weight in the planning balance.

- The application site is allocated for a housing development of the same scale as that proposed by this planning application in the emerging Site Allocations Local Plan document. Whilst the plan has reached an advanced stage, having been the subject of hearings before Inspectors, including sessions to examine the Inspectors modifications, the Inspectors final report is currently awaited. As there were unresolved objections to the inclusion of the application site within the document, officers consider the allocation of the application site for housing development within the emerging Plan should be afforded only moderate weight at the present time.
- The construction of the site would lead to economic gains realised through the financial investment and employment created during this phase. Further benefits would accrue from the increased population that would spend money in the local economy and the increased housing stock would provide accommodation for more workers. Such benefits would, however, also be realised equally if these dwellings were to be provided elsewhere in the District on alternate sites. This consideration serves to temper the weight to be attributed the economic benefits, which officers consider should be afforded only modest weight in support of the development proposals.

416. The majority of developer (cash) contributions are secured from the proposals in order to mitigate impacts identified from the development (for example education provision and highway works) and are therefore considered neither benefits nor harm.

417. It is your officers' view that the benefits of the development set out above are relevant 'material considerations' to assist with the Committee's consideration of whether planning permission should be granted as a departure from the Development Plan in this case. The weight to be attributed to the identified 'benefits' and 'harm' is a matter for the decision maker to consider and balance in each case. The Committee will need to resolve whether the 'material considerations that may indicate otherwise' are of sufficient weight to over-ride the identified breaches of current Development Plan policies.

418. In this case, officers' have carefully considered the 'other material considerations' raised by the application proposals and conclude the collective benefits that would arise from the application proposals are substantial and are of sufficient weight to warrant a planning decision contrary to the Development Plan. The identified benefits are also considered to outweigh the moderate harm identified to primary education, the landscape, loss of agricultural land and impacts attributable to noise from military aircraft activities. Officers' conclude that a decision which departs as an exception to the normal provisions of the current Development Plan is justified in this case.

419. Having carefully considered all of the issues raised by the planning application proposals, including the evidence and opinions submitted on behalf of the applicants, the contributions of key consultees, the views of the Lakenheath Parish Council and Members of the public whom have

participated, your Officers have formed a view there is sufficient planning justification to recommend that planning permission is granted, subject to prior completion of a S106 Agreement to secure necessary developer contributions and a number of controlling and safeguarding conditions.

Recommendation:

420. Full and outline planning permission be **GRANTED** subject to:

1) The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

(a) Policy compliant affordable housing (30%).

(b) Land and construction contributions towards the construction of a new primary school (pro-rata to reflect the scale and impact of the housing element of the proposed development proposed) (4,627.65 per dwelling for construction and £319.51 per dwelling for land).

(c) Pre-school contribution (up to £231,458).

(d) Libraries Contribution (up to £81,600).

(e) Public Open Space contributions:

i) Land to be set out in accordance with the adopted SPD to be calculated at Reserved Matters stage.

ii) Transfer of the 4.7 hectares to the Council for future management and maintenance, including a commuted payment for maintenance (£50,000) and wardening (£40,802).

(f) Strategic Highways contribution to deliver new and improved village-wide cycle and pedestrian scheme comprising crossing provision in the form of pedestrian refuges, a new toucan crossing, new footways, conversion of footways to shared cycle/pedestrian facilities, new 20's plenty signing, signing through the village for cycle routes, dropped kerbs etc. (£118,523.76)

(g) Public Transport contribution for the creation of two new bus stops at Station Road (£40,000)

(h) Strategic Highway Contribution towards junction improvements at the Lords Walk roundabout and B1112/Eriswell Road junction (precise contributions to be calculated and agreed following further costed and safety audited design work).

(i) SPA Recreational Impact Contributions, including i) off site provision/contributions to provide a connection from the site to the footpath on the north side of the drainage channel to the north of the application site, ii) monitoring of potential impacts upon the SPA from development

(sums to be determined), iii) provision/payment towards public information boards and information packs for residents and subsequent monitoring and iv) facilitating the construction of a bridge across the drainage channel from within the application site.

(j) Health Contribution (up to £123,420)

And

2) subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable construction and operation methods, including water efficiency measures (further details to be submitted with reserved matters and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details (including precise details of new hard and soft landscaping)
- Woodland management scheme (for retained/new/replacement trees)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required)
- Construction management plan
- As recommended by the Local Highway Authority
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Implementation of noise mitigation measures
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the foul and surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology.
- Reserved Matters submissions to accord with the approved Concept Plan.
- Landscape and ecology management plan
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission.
- As recommended by the Ecology, Tree and Landscape Officer (paragraph 53 and 54 of the report)
- Travel Planning

421. That, in the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 420 above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

Documents:

Attachments:

WORKING PAPER 1 – Habitats Regulations Assessment (Jaki Fisher – June 2018).

WORKING PAPER 2 – Statement of Common Ground between Forest Heath District Council and the Defence Infrastructure Organisation (August 2017).

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>