

(14) CODE DEVELOPMENT PLANNERS (obo Mr D E Baker)



**Bentley Neighbourhood
Plan: Regulation 16
Representations**

**Land west of Church
Road, Bentley**

D. E. J. Baker



CONTENTS

EXECUTIVE SUMMARY	ii
1 INTRODUCTION	1
2 POLICY BEN 1 – SPATIAL STRATEGY	3
3 POLICY BEN 2 – HOUSING DEVELOPMENT	4
4 POLICY BEN 4 – LAND AT THE FRUIT FARM, CAPEL ROAD	4
5 POLICY BEN 7 – DEVELOPMENT DESIGN	6
6 POLICY BEN 8 – FLOODING AND SUSTAINABLE DRAINAGE.....	7
7 POLICY BEN 10 – DEVELOPMENT AFFECTING THE AREA OF OUTSTANDING NATURAL BEAUTY.....	7
8 POLICY BEN 11 – PROTECTING BENTLEY’S LANDSCAPE CHARACTER.....	8
9 POLICY BEN 17 – SUSTAINABLE TRANSPORT INFRASTRUCTURE AND SERVICES	10
10 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE BENTLEY NEIGHBOURHOOD PLAN	10
11 ILLUSTRATIVE PROPOSAL FOR THE ‘FRUIT FARM’	17
12 SITE SUBMISSION – LAND WEST OF CHURCH ROAD, BENTLEY	18
13 CONCLUSIONS	20



EXECUTIVE SUMMARY

These representations have been prepared by CODE Development Planners Ltd (hereafter referred to as 'CODE') on behalf of D. E. J. Baker, the landowner of land west of Church Road, Bentley. Land west of Church Road, Bentley has been assessed as a reasonable alternative within the Bentley Neighbourhood Plan (BNP). The site is currently included as a draft allocation within the submitted Babergh and Mid Suffolk Joint Local Plan (BMSJLP) 2018-2037, for 20 dwellings.

CODE do not consider the BNP to be in accordance with the basic conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). CODE has fundamental concerns regarding the policies of the submitted BNP, their consistency with the NPPF (July 2021) and the evidence base documents which have informed the preparation of the neighbourhood plan.

In addition, it is considered that policies of the BNP are not in conformity with national planning policy and guidance. The policies are also not in general conformity with the emerging strategic policies of the BMSJLP, including policy SP03 which sets the settlement boundaries, and SP04 which outlines anticipated growth within neighbourhood plan areas, for the period to 2037. Where there is an emerging Local Plan and an emerging Neighbourhood Plan, Government guidance encourages the LPA and the qualifying body to work together to avoid conflict. In particular, and potentially relevant here, to ensure that housing supply policies are complementary. This requires consideration of the housing requirement figure for the neighbourhood area, if any (see NPPF para.66), or indicative figure if requested (see NPPF para.67), and Government guidance notes that emerging Neighbourhood Plans may need to include reserve sites to ensure emerging evidence of housing need is addressed (see para 009 of the NPPG re neighbourhood planning).

These representations also consider the compliance of the BNP with the Environmental Assessment of Plans and Programmes Regulations 2004, in relation to the preparation of a Strategic Environmental Assessment (SEA) prepared in support of the BNP. Compliance with relevant EU obligations is a key consideration in the determination of whether a neighbourhood plan should proceed to referendum.

These representations find fundamental flaws in the methodology used in the preparation of the SEA, including the consideration of reasonable alternatives (both for potential site allocations and the suggested spatial strategy for the neighbourhood plan area). The SEA has also failed to consider a higher growth scenario which the document identifies as a potential reasonable alternative, given the shortfall in affordable housing provision over the neighbourhood plan period to 2037.

In addition to the flawed SEA undertaken in support of the BNP, BPC's preferred allocation site ('the Fruit Farm') is neither suitable nor achievable as an allocation within the BNP. This representation identifies CODE's significant concerns regarding the ability for the Fruit Farm site to provide safe and convenient access for pedestrians and cyclists to key services and facilities in the village, the lack of assessment within the submitted



SEA regarding the potential impacts on the setting recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the ability of the site to retain key boundary planting. The Fruit Farm site cannot therefore be considered a sustainable development.

Where policies can be brought into accordance with national planning policy and guidance, CODE has suggested modifications to these policies to assist the independent examiner in their consideration of the neighbourhood plan against the basic conditions. Where they cannot, CODE provide reference and detail to the evidence base prepared in support of the neighbourhood plan to demonstrate why the neighbourhood plan should not proceed to referendum.

1 INTRODUCTION

- 1.1 This representation has been prepared by CODE Development Planners Ltd (hereafter referred to as 'CODE'), on behalf of D. E. J. Baker, the landowner of land west of Church Road, Bentley. These representations have been prepared in response to the regulation 16 consultation stage of the Bentley Neighbourhood Plan (BNP), which was submitted to Babergh District Council in June 2021 for consideration by an independent examiner.
- 1.2 CODE's representations focus upon the compliance of the submitted BNP with the National Planning Policy Framework (NPPF) and the government's Planning Practice Guidance (PPG), in addition to the basic conditions as required by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended), which also includes a consideration of the neighbourhood plan's compliance with relevant EU obligations, including the Environmental Assessment of Plans and Programmes Regulations (2004).
- 1.3 To meet the requirements of the NPPF and the basic conditions, neighbourhood plans should also be prepared to conform to the strategic policy requirements set out in the adopted development framework. The adopted development plan in Babergh district consists of the Babergh Core Strategy (BCS, 2011-2031), which was adopted on 24 February 2014. However, Babergh and Mid Suffolk District Councils are currently preparing a replacement local plan, the Babergh and Mid Suffolk Joint Local Plan (BMSJLP), 2018-2037, which is currently the subject of a local plan examination. CODE notes Bentley Parish Council suggests the BNP has been prepared in accordance with the policies of the BCS, and the emerging strategic policies of the BMSJLP.
- 1.4 These representations demonstrate that the BNP's disregard of the non-strategic policies in the emerging BMSJLP creates a conflict between the documents with no mechanism within the development plan to resolve this.
- 1.5 D. E. J. Baker is promoting land at land west of Church Road, Bentley through the BNP. The site is included as a draft allocation within the emerging BMSJLP (2018-2037). The site is provisionally allocated for 20 dwellings. A site submission is included with these representations.
- 1.6 BPC's preferred allocation site ('the Fruit Farm') is neither suitable nor achievable as an allocation within the BNP. This representation identifies CODE's significant concerns regarding the ability for the Fruit Farm site to provide safe and convenient access for pedestrians and cyclists to key services and facilities in the village, the lack of assessment within the submitted SEA regarding the potential impacts on the setting recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the ability of the site to retain key boundary planting. The Fruit Farm site cannot therefore be considered a sustainable development.
- 1.7 CODE's representations are structured to comment on specific policies of the draft BNP, in the order they appear within the document, for ease of reference.



- 1.8 Should the independent examiner, once appointed, consider a hearing session is required to discuss the emerging policies of the BNP, CODE requests the opportunity to participate in such a session.
- 1.9 For reference, sections 2 to 9 inclusive of this representation should be considered as one section. The policies of the neighbourhood plan have been assessed for their consistency with the NPPF which is a key requirement of the basic conditions.



2 POLICY BEN 1 – SPATIAL STRATEGY

- 2.1 CODE notes paragraph 4.4 of the submitted BNP, which discusses the development plan documents against which the neighbourhood plan has been prepared (for accordance with strategic policies). The submitted neighbourhood plan states:

“The Joint Local Plan will be subject to independent examination by a Government Planning Inspector in 2021 and it is anticipated that it will be adopted by the District Council in Winter 2021/22. As the Neighbourhood Plan is likely to be completed before this date, it has been prepared to conform with the policies in the adopted Local Plan documents, while ensuring that the strategic policies of the emerging Joint Local Plan (Policies SP01 to SP10) are conformed with.”

- 2.2 This suggests that BPC acknowledge the requirement set down in paragraph 17 of the NPPF for local plans to contain strategic policies. However, BPC fails to acknowledge that the local plan also has a requirement to identify non-strategic policies. It also fails to acknowledge government guidance¹ that BPC and the local planning authority should work together to avoid conflict. We contend that this is in part due to the failure of the Fruit Farm site to achieve sustainable development.

- 2.3 Policy LS01, of the submitted BMSJLP, includes land west of Church Road, Bentley as an allocation for 20 dwellings. This site is not included within the submitted BNP as an allocation; the plan seeks to allocate an alternative site for approximately 16 dwellings (the ‘Fruit Farm’ site). The BMSJLP does not list policy LS01 as a strategic policy and has not had reference to this policy in the preparation of the BNP. However, policy SP03 of the BMSJLP is a strategic policy, which identifies settlement boundaries for designated settlements which are to accommodate new housing allocations. CODE notes the policy states:

“Settlement boundaries have been created as defined on the Policies Map in order to demonstrate the extent of land which is required to meet the development needs of the Plan. New allocations are included within the defined settlement boundaries. The principle of development is established within settlement boundaries, subject to the other policies in the Plan.”

- 2.4 The settlement boundary as shown on map 4 of the BNP, referred to in policy BEN 1, should therefore be amended to be in conformity with the settlement boundary of the BMSJLP for Bentley, reflecting the strategic nature of the emerging policy. If the BMSJLP as submitted is found sound, following the examination in public, and policy SP03 is not subject to main modifications, the BNP would not be in conformity with the BMSJLP’s strategic policies.

- 2.5 The supporting text for policy BEN 1 should be amended at paragraph 5.4 to be in conformity with the text within the policy itself, to ensure that proposals for development outside the settlement boundary

¹ Planning Practice Guidance paragraph 009 (Reference ID: 41-009-20190509)



can be approved “where they are in accordance with national and district level policies or in compliance with Policy BEN 5.”

3 **POLICY BEN 2 – HOUSING DEVELOPMENT**

- 3.1 Policy BEN 2 makes provision for ‘around’ 58 additional dwellings to be developed in the BNP area between 2018 and 2037. The requirement for around 58 dwellings is in broad conformity with the NPPF.
- 3.2 However, policy BEN 2 requires exceptional circumstances to be demonstrated for proposals for dwellings beyond settlement boundaries. This requirement is inconsistent with the provisions of the NPPF. In the preliminary hearing session for Matter 4 of the BMSJLP examination, the Inspector welcomed BMSDC’s clarification that policy SP04 would be amended to delete reference to exceptional circumstances. BMSDC clarified that their suggested modification would require developments beyond the settlement boundary to be in accordance with the NPPF when read as a whole. In similarity with the suggested amendments to the supporting text to policy BEN 1, CODE suggest amending policy BEN 2, criteria iv, as follows:

“This plan provides for around 58 additional dwellings to be developed in the Neighbourhood Plan area between 2018 and 2037. This growth will be met through [inter alia]:

iv ~~In exceptional circumstances~~ Dwellings outside of the Settlement Boundary where it can be demonstrated the development is in accordance with national and district level policies or in compliance with policy BEN 5.”

4 **POLICY BEN 4 – LAND AT THE FRUIT FARM, CAPEL ROAD**

(With reference to Bentley Design Guide (AECOM, November 2019) and Illustrative Proposal for ‘Fruit Farm’ (AECOM, September 2020)

- 4.1 Policy BEN 4 allocates the ‘Fruit Farm’ site for around 16 dwellings (including up to 35% affordable housing), pedestrian access to the village facilities and visitor car parking. The policy also requires traffic calming on Capel Road.
- 4.2 CODE refers BMSDC to the comments regarding BEN 3 (and corresponding policy SP03 within the BMSJLP) and conformity with the strategic policies of the emerging BMSJLP, with regard to the proposed settlement boundary. These comments also apply to policy BEN 4 and it is important to note the proposed settlement boundary, to include the ‘Fruit Farm’ site is inconsistent with the strategic settlement boundaries imposed by the BMSJLP.
- 4.3 CODE has a number of concerns regarding the deliverability of the Fruit Farm site, with regard to the evidence base supporting the BNP and the evidence base prepared in support of the BMSJLP. We note the conclusions of the site assessment contained within BMSDC’s Strategic Housing and



Employment Land Availability Assessment, October 2020 (SHELAA) for Site SS1138 and note that this was for a much larger site area. The site was also not considered through the JLP-SA. The SHELAA concluded:

"Site has poor connectivity to the existing settlement."

- 4.4 CODE is aware that the submission version of the BNP includes a smaller portion of site SS1138 as a draft allocation for 16 dwellings, which has not been assessed within BMSDCs' SHELAA or within the BMSJLP-SA. CODE's representations to the regulation 19 BMSJLP considered the Fruit Farm site as a reasonable alternative. This is explored in more detail in section 10.3 of this representation, and in appendix 4.
- 4.5 CODE emphasise the following constraints which may preclude development of the Fruit Farm site and would prevent development in a form that accords with the emerging BNP's design criteria and we contend would prevent it from delivering sustainable development:

- There has been no evidence provided to demonstrate that pedestrian and cycle access to Case Lane can be delivered without third party ownership. Furthermore, even if third party rights could be resolved, the adopted highway would need to be extended north along Case Lane to permit cycles to access the site or Footpath 55 upgraded to bridleway (again, this would require third party agreement).

Indeed, further to CODE's previous representations at the regulation 14 stage and additional research undertaken, it is clear that the link from the Fruit Farm site onto Case Lane cannot be achieved. CODE attaches the most up to date definitive highway boundary for Case Lane at appendix 1. A pedestrian connection onto Case Lane from the Fruit Farm site could only be achieved if the footpath were enforceable up to the boundary of the Fruit Farm site. The section of Case Lane in the location of the proposed connection is 5.5 metres wide, however, the enforceable width of the PRoW is only 1.5 metres. In addition, there is existing vegetation on the boundary of the Fruit Farm site which is not within the ownership of the Fruit Farm landowner. This connection is therefore undeliverable. One of the key elements underpinning the selection of the site is therefore unable to be realised..

It should also be noted that a cycle connection cannot be provided onto a PRoW footpath. To accommodate a cycle connection, the PRoW would need to be upgraded to a bridleway. However, to achieve this would require the express agreement of the landowner, which has not been given for the proposed connection.

- The fourth bullet point under paragraph 6.16 of the submission version of the BNP states, *"All existing mature trees along the Chapel Road frontage and the site boundary planting shall be retained"*. However, paragraph 6.17 states, *"Gaining vehicular access to the site from Chapel Road is likely to necessitate the removal of most of the frontage hedge to provide safe*



visibility, although there is currently a 30-mph speed limit at this point.” This may increase impacts on the surrounding landscape and may also have adverse effects upon biodiversity as a consequence of the removal of the hedgerows. It should also be noted that the removal of the hedgerow at land west of Church Road was a reason the BNP dismissed the site as a reasonable alternative within the SEA. The landowner at Church Road ensured a sensitive approach to gaining vehicular access into the site for vehicles and pedestrians and cyclists. This is discussed in more detail at paragraph 10.6.9.

- The Concept Plan (contained at page 23 of the draft BNP) appears to show a continuous pavement east along Capel Road. However, one does not currently exist for a short section along the frontage of the neighbouring property. The enclosed highway boundary and legal titles (refer to appendices 1 and 2) demonstrate the difficulty in achieving this new footpath along Capel Road. It is likely that third party land may be required outside of the highway boundary to deliver this public footpath. Therefore, CODE considers that the conclusions of BMSDCs’ previous assessment within the SHELAA (albeit related to a larger site) remain appropriate (“*Site has poor connectivity to the existing settlement*”).
- In addition, the extension to the Suffolk Coast and Heaths AONB (refer to appendix 2) to the west of Bentley, which has increased the significance of the inter-visibility across the Samford Valley with development on the western side of the village, would likely be impacted by the proposed allocation within the BNP.

5 POLICY BEN 7 – DEVELOPMENT DESIGN

5.1 Policy BEN 7, as drafted, is a very onerous policy which presents a complicated set of criteria for planning applications to demonstrate accordant with. The policy outlines four separate sets of criteria which new development must demonstrate accordant with, including the site allocated by the neighbourhood plan. CODE considers the policy should be amended to ensure it is clear and transparent what the policy expects from new development proposals in the village.

5.2 Policy BEN 8 should limit its reference to the Development Design Check list and delete references in this regard to the Bentley Design Guide as the Checklist should incorporate the relevant elements of that document. CODE suggests the following amendments:

BEN 8 b) - new development can minimise its adverse impact on residential amenities in respect of noise, smell, vibration, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated but to require development "not to adversely affect" is open to interpretation and could potentially prevent any development. This part of the policy should be amended to ensure precise meaning.

BEN 8 d) - as currently worded this part of the policy would prevent development of areas north of the current built up area of Bentley which is not in general conformity with the development plan. Therefore



the wording should be amended as follows: "do not result in the loss of or damage to a "Vegetated Green Edge" of the village centre as defined in the Landscape Appraisal and on the Policies Map unless appropriate mitigation is proposed and secured through planning conditions".

BEN 8 k) - the differences between grey water recycling and rainwater and stormwater harvesting need to be explained in a glossary and a caveat on viability inserted into the policy.

6 POLICY BEN 8 – FLOODING AND SUSTAINABLE DRAINAGE

6.1 CODE notes the supporting text to Policy BEN 8, at paragraph 7.7, which states "*Several areas in Bentley are prone to surface water flooding as shown in the Department of the Environment's flood map below, particularly along Church Road, Station Road, Capel Road, Hazel Shrub, and Bergholt Road.*" It should be noted the landowner for land west of Church Road, Bentley has recently undertaken maintenance of existing drainage ditches and sumps along Church Road, which has significantly improved the surface water drainage in this location. Since the maintenance work was undertaken by the landowner, Church Road has remained free from surface water flooding, including over the most recent winter, which is acknowledged as being one of the wettest on record.

6.2 The criticisms levelled against land west of Church Road, within the SEA supporting the neighbourhood plan are therefore unjustified. CODE maintains that existing surface water drainage issues experienced on Church Road can be appropriately mitigated by normal maintenance and management of the drainage sumps adjacent to the road, which is a requirement of Suffolk County Council.

7 POLICY BEN 10 – DEVELOPMENT AFFECTING THE AREA OF OUTSTANDING NATURAL BEAUTY

7.1 The policy should be modified to exclude the repetition within the policy wording. CODE suggests rewording the policy as follows:

"The Suffolk Coast and Heaths Area of Outstanding Natural Beauty is identified on the Policies Map. Development will not be permitted where it would have a significant adverse impact on the natural beauty and special qualities of the AONB and its setting, and which cannot be adequately mitigated.

Development proposals within the Area of Outstanding Natural Beauty, or within its setting, **or within other sensitive landscapes** should be informed by landscape and visual impact assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts. Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network.

~~Development proposals which have the potential to impact upon the Area of Outstanding Natural Beauty or other sensitive landscapes should be informed by landscape appraisal, landscape and visual impact assessment and landscape mitigation."~~



8 POLICY BEN 11 – PROTECTING BENTLEY’S LANDSCAPE CHARACTER

- 8.1 The policy requires proposals to demonstrate, proportionate to the development, how the landscape characteristics of the site and its vicinity have been considered in preparing the scheme.
- 8.2 The policy is unclear as to whether it is seeking to achieve the designation of the landscape to the north of Bentley as a ‘valued landscape’ as per the terms of NPPF paragraph 174. It is clear from the evidence base supporting the neighbourhood plan (Alison Farmer: Valued Landscape Assessment, March 2020 and Alison Farmer: Bentley Neighbourhood Plan: Landscape Appraisal, December 2019), with regard to landscape, that whilst landscape locally and to the north of Bentley is valued by the community, the landscape is not expressed as valued as per paragraph 174 of the NPPF. The policies map accompanying the neighbourhood plan is therefore correct in not showing the landscape to the north of Bentley as a valued landscape.
- 8.3 The Bentley Neighbourhood Plan Landscape Appraisal Final Report December 2019 states in Local Landscape Areas Sensitivity Tables - Peripheral Area 1: Bentley North and Eastern Fringes on page 39 that, *“Overall this area has limited capacity for new housing development. Nevertheless, two areas are noted as having some capacity for new residential development. These include:*
- Housing along Church Road which does not increase the width of the settlement or create a new abrupt, uniform, urban edge or reinforce cul-de-sac housing which is not characteristic. Care will need to be taken to retain the rural character of Church Road.*
- Housing development to the rear of properties on Capel Road. This area may be suitable for community and/or retirement housing due to its close proximity to key village facilities. Care would need to be taken to retain the rural and vegetated character of the settlement edge and public right of way to the east.”* [It is not clear why development for community and/or retirement housing would have a different impact on the landscape from residential development].
- 8.4 CODE notes the inconsistency of the approach advocated within the landscape appraisal with regard to the character to the north of Bentley. The character of Church Road is such that the site on land west of Church Road is influenced by existing semi-detached residential development on the eastern side of Church Road (which extends further north than the proposed site at land west of Church Road) and existing cul-de-sac development to the north of Bentley (and south of land west of Church Road). Cul-de-sac development is part of the principal character to the north of Bentley. In addition, the proposals for the Fruit Farm site represent new cul-de-sac development, so BPC cannot allege that this is an unfamiliar form of development in the village.
- 8.5 In support of a previous planning application, for land west of Church Road, Bentley, the landowner instructed a landscape consultant to consider the proposed amendment to the AONB boundary in relation to the context of the site. This is attached to this matter statement at appendix 3. In summary, it concludes that land west of Church Road would not impact upon the setting of the extended AONB



boundary, due to the distance from land west of Church Road to the revised boundary, and the lack of intervisibility between Church Road and the new AONB boundary. It should also be noted planning application DC/19/00291 was for a development of up to 45 dwellings, which was significantly larger in scale than the current allocation (the smaller area included as an allocation within the BMSJLP addresses the previous concerns raised by Babergh District Council in their determination of the application).

- 8.6 The AONB statement (prepared by the landowner's instructed landscape consultant) concluded the development of the site (at that time for 45 dwellings) would not cause any undue harm to the Suffolk Coast and Heaths AONB, and its revised boundary. The statement identified there is no intervisibility between the site and the proposed AONB area, and existing mature tree and hedge planting found along field boundaries, as well as the woodland at Holly Wood, filters views of the site. The site shared some of the special qualities of the AONB, but its character is more representative of the adjacent settlement edge and the retention of key landscape features and additional proposed landscaping will assimilate the development into the surrounding landscape.
- 8.7 It should also be noted that Place Services, Babergh District Council's instructed consultants for considering planning applications' potential landscape and visual impacts, considered that the previous scheme could satisfactorily reduce the landscape and visual impact of the development, if it was implemented in line with the specific recommendations contained within the landscape and visual impact assessment. Similar principles will be followed in the development of the allocated site.
- 8.8 Finally, it should also be noted that the landscape evidence prepared in support of the BNP (Alison Farmer: Valued Landscape Assessment, March 2020 and Alison Farmer: Bentley Neighbourhood Plan: Landscape Appraisal, December 2019) considers whether the site on land west of Church Road (and the Fruit Farm site), fall within a valued landscape. The two reports conclude that the land to the north of Bentley (within which both sites are located) is of value to the local community. However, they do not conclude that the landscapes are valued landscapes in the terms of paragraph 174 of the NPPF.
- 8.9 However, it should be noted that the Fruit Farm site is in close proximity to the revised boundary of the AONB. Paragraph 175 of the NPPF states that plans should distinguish between the hierarchy of international, national and locally designated sites, and paragraph 176 requires great weight to be given to the conservation and enhancement of landscape and scenic beauty of AONBs, which (alongside National Parks and the Broads) *"have the highest status of protection in relation to these issues."* It is therefore clear that the Fruit Farm site is likely to have a negative impact upon the AONB, which is not true of land west of Church Road.



9 POLICY BEN 17 – SUSTAINABLE TRANSPORT INFRASTRUCTURE AND SERVICES

- 9.1 CODE is supportive of policy BEN 17 but questions the ability of the ‘Fruit Farm’ site to comply with the provisions of this policy. The policy requires safe walking and cycling access to key local services and community facilities.
- 9.2 There has been no evidence provided to demonstrate that pedestrian and cycle access to Case Lane can be delivered. Furthermore, the adopted highway would need to be extended north along Case Lane to permit cycles to access the site or Footpath 55 upgraded to bridleway. Please see section four of this representation.
- 9.3 The Concept Plan (contained at page 23 of the draft BNP) appears to show a continuous pavement east along Capel Road. However, one does not currently exist for a short section along the frontage of the neighbouring property (as discussed in section four of this representation). Therefore, CODE considers that the conclusions of BMSDCs’ previous assessment within the SHELAA (albeit related to a larger site) remain appropriate (“Site has poor connectivity to the existing settlement”).
- 9.4 In contrast, land west of Church Road, Bentley is capable of delivering safe pedestrian and cycle access to all facilities and services within the village, including Bentley C of E Primary School. Land west of Church Road is the only site in the village which is in close enough proximity to the primary school to encourage travelling to school via sustainable means, such as walking or cycling.

10 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE BENTLEY NEIGHBOURHOOD PLAN

- 10.1 In December 2020, BDC issued a Strategic Environmental Assessment Screening Determination, in accordance with Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations 2004). In the screening conclusion, the council stated:
- “...residential development allocated through the Plan could have a range of environmental effects both during construction and afterwards and, that both allocated sites [the ‘Fruit Farm site, allocated for 16 dwellings and Oakleigh, which benefits from full planning permission for 16 dwellings] lie within close proximity of sensitive features. It [the screening report prepared by LUC] further concludes that, while policies in the Neighbourhood Plan and in the adopted Babergh Local Plan may provide mitigation, and that mitigation may also be provided by the emerging Babergh and Mid Suffolk Joint Local Plan, the sensitivity of the area in which the allocated site is located means that the Bentley NDP has the potential to have significant environmental effects and that SEA is therefore required.”*
- 10.2 CODE has fundamental concerns regarding the assessment contained within the SEA for the BNP, including the assessment of reasonable alternatives for allocation over the period to 2037 and the lack of reasonable alternatives explored for overall housing provision to meet identified affordable housing



needs (as identified within the Bentley Housing Needs Assessment, prepared by AECOM, January 2020).

10.3 **Consideration of reasonable alternatives for allocation (and comparison with assessment undertaken in support of the BMSJLP)**

10.3.1 As outlined earlier in these representations, BPC has chosen not to allocate land west of Church Road, Bentley in the BNP, in line with the emerging BMSJLP. The BNP includes the 'Fruit Farm' site as an allocation for around 16 dwellings, over the period to 2037. CODE's considered commentary on the deliverability of the 'Fruit Farm' site is included in section 4 of these representations.

10.3.2 However, further to the issuing of the SEA Screening Determination by BDC, in December 2020, BPC subsequently prepared the SEA for the BNP, which includes an assessment of the reasonable alternatives for development in the village over the period to 2037. This representation considers the adequacy of the assessment prepared, in light of the basic condition which requires neighbourhood plans not to breach and be compatible with, EU obligations; in this case, this is the Environmental Assessment of Plans and Programmes Regulations 2004.

10.3.3 CODE appends its representations to the BMSJLP made at the regulation 19 stage, which outline a full assessment of the alternatives within the village (including the revised boundary for the 'Fruit Farm' site and a potential alternative boundary for land west of Church Road, Bentley). These can be found at appendix 4.

10.3.4 CODE's representations to the regulation 19 version of the BMSJLP also rectified scoring discrepancies, which were addressed by the previous planning application for up to 45 dwellings (and its supporting documentation). CODE would recommend close attention is paid to their previous representations to the BMSJLP (appended at appendix 4 and forming part of these representations), which demonstrates the scoring applied to the site west of Church Road site (option B within the BNP SEA) is incorrect for climate change, historic environment, land, soil and water resources and transportation (particularly in relation to walking and cycling distances to existing services and facilities in the village).

10.4 *The 'Fruit Farm' site allocation and inconsistencies in SEA scoring*

10.4.1 A review of the submitted SEA, in relation to the 'Fruit Farm' allocation, raises further queries regarding the adequacy of the assessment. In particular, CODE notes a number of inconsistencies within the report which appear to have led BPC to the conclusion the 'Fruit Farm' site should be the preferred allocation within the neighbourhood plan, except these inconsistencies have infected the conclusions of the SEA.

10.4.2 CODE notes the following inconsistencies in the scoring within the SEA, in relation to the 'Fruit Farm' allocation and the assessment of land west of Church Road:



- **Landscape** – the SEA concludes that *“In terms of the site allocations, Land at the Fruit Farm is a greenfield site located on the edge of the settlement to the north west, in the SLA and the setting of the AONB extension. However, the site is relatively self contained, and proposals will be required to retain “mature trees along the Capel Road frontage and the site boundary planting”.*

However, at paragraph 10.10 of the SEA, it states *“Following initial assessment of the Neighbourhood Plan, it was recommended that the site allocations policies (BEN3 and BEN4) be revised to consider the landscape, historic environment, and transport implications of new development. Specifically, it was recommended that the supporting text requirement for “all existing mature trees along the Capel Road frontage and the site boundary planting shall be retained”, should be moved into policy. Given the accessibility issues at Capel Road, the policy requirement could be adjusted to “retain trees where possible and deliver suitable replantation where access provision is made, and retention is not possible” to increase the weight of the requirement and strengthen the policy framework overall.”*

It is clear that the SEA has not considered, therefore, the potential loss of the mature trees and hedgerow along the frontage of Capel Road, as a direct consequence of the development of the ‘Fruit Farm’ allocation. The document acknowledges that the ‘Fruit Farm’ site sits within the setting of the recently extended Suffolk Coast and Heaths AONB. The loss of vegetation along the site’s frontage, necessary to gain access and provide a footpath along Capel Road into the village, will increase the intervisibility between the proposed allocation and the AONB, which might significantly impact upon the setting of the AONB. The SEA’s scoring regarding landscape harm in relation to this site option is therefore significantly flawed.

- The **extension to the AONB** has increased the significance of the inter-visibility across the Samford Valley with development on the western side of Bentley. This is particularly pertinent for sites SS03952 and SS11383. In addition to AONB the NPPF states at paragraph 174 that planning policies should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Paragraph 175 of the NPPF states, inter alia, that plans should allocate land with the least environmental or amenity value. Paragraphs 15.23-15.26 and policy LP19 of the emerging BMSJLP set out criteria to direct how development proposals must protect and enhance landscape character. Allocation of site LS01 (03) (land west of Church Road, Bentley) represents a consistent approach by BMSDCs within the landscape context of the districts and the landscape context of Bentley. The neighbourhood plan has not adequately assessed the potential landscape and visual impacts of the Fruit Farm site on the setting of the AONB.

² Land west of Bergholt Road

³ The ‘Fruit Farm’ site



- **Transportation/accessibility** - the SEA, as prepared, does not outline the parameters used to assess whether a site is within a suitable walking distance of existing services and facilities. The SEA concludes options A, C and D perform the best in relation to existing services and facilities, due to their *“potential to support sustainable access to services and facilities.”*

Land west of Church Road, Bentley (option B) is within 750m walking distance of the village pub and the village shop, on Case Lane, which is generally accepted to be a safe, sustainable and suitable walking distance to services and facilities. In addition, land west of Church Road is within 300 metres walking distance of Bentley VC C of E Primary School. The other reasonable alternative sites in the village, including the ‘Fruit Farm’ site, are in excess of 1100 metres walking distance to the primary school. The primary school itself, at drop off and pick up times, is likely to be the facility within the village which would generate the most vehicular traffic, for sites in excess of sustainable transport options. Land west of Church Road, Bentley would, however, most likely encourage parents to walk with their children to school, rather than encouraging the use of the private car, as would be the case with the alternative sites, including the Fruit Farm.

CODE also notes the inclusion of the Quiet Lanes designation within the SEA assessment. CODE appends the map demonstrating the extent of the Quiet Lane designation in relation to land west of Church Road. Access onto Church Road, from land west of Church Road, Bentley will not conflict with the designated Quiet Lane, nor will it detract from the aims of the Quiet Lanes designation which is to provide safe walking and cycling routes in the countryside.

- **Land, soil and water resources** – all of the reasonable alternatives within the neighbourhood plan are located on greenfield sites and the scoring in this regard is not contested. However, it is alleged that *“all options are wholly covered by Grade 2 (Best and Most Versatile) agricultural land. As such it is considered that the development of all options will lead to permanent loss of BMV agricultural land, and permanent negative effects in relation to this SEA theme.”*

In support of the previous application for up to 45 dwellings, the landowner commissioned a study of the agricultural land quality of land west of Church Road. The report found that the site was entirely within agricultural land classification subgrade 3b, which does not qualify as BMV land. The scoring within the SEA should be updated to reflect this finding.

The SEA prepared in support of the neighbourhood plan has no regard whatsoever to the outcome of consultation in the sense that documents submitted in support of the application for up to 45 dwellings at land west of Church Road have not been taken into account or responded to. The application for up to 45 dwellings was clearly referenced in CODE’s regulation 14 representations. BPC were also wholly aware of the documents as a consultee for the application. Regulation 16 of the Environmental Assessment of Plans and Programmes



Regulations 2004 requires that results of any consultations entered into under regulation 14(4) have been taken into account. Clearly, this is not the case in the preparation of the SEA in support of the BNP. Whilst the site area considered for allocation within the BMSJLP is smaller than that considered in the application for up to 45 dwellings, the broad conclusions of the majority of those application documents remain applicable for the 20-dwelling site.

- **Reasons for selecting the preferred option** – an SEA must ‘identify, describe and evaluate’ the reasonable alternatives. It is axiomatic that BPC must undertake this process utilising a transparent and evidence based approach, which uses a consistent methodology to assess the environmental impacts of the reasonable alternatives. It would appear, through the lack of clearly defined parameters for undertaking the assessment, that the SEA for the BNP has failed to properly comply with its legal obligation to assess the reasonable alternatives on a comparative basis, having regard to a transparent and objective evidence base, as is required by the relevant SEA regulations.

10.5 *Compliance with the Environmental Assessment of Plans and Programmes Regulations 2004*

10.5.1 The submitted Basic Conditions Statement does not detail how the SEA complies with the relevant legal obligations. The preparation and submission of such a document does not automatically mean those requirements have been fulfilled. CODE has paid particular attention to the assessment of reasonable alternatives, both in the selection of the preferred site for allocation and the reasonable alternatives for delivering affordable housing.

10.5.2 If such parameters do exist, these have not been transparently included within the SEA for public review, nor is it clear from the conclusions of the SEA how these absent parameters have consistently been applied in the consideration of the reasonable alternatives.

10.6 **Consideration of alternative spatial strategies for meeting identified affordable housing needs**

10.6.1 The SEA for the BNP only considers the reasonable alternatives in the context of the identified housing requirement for the Bentley neighbourhood plan area, as outlined within the emerging BMSJLP. Whilst CODE does not disagree with this approach in principle, it is recognised that paragraph 5.9 of the submitted SEA states, with regard to affordable housing needs:

“The Bentley Neighbourhood Plan Housing Needs Assessment (AECOM, 2020) identified that a total of 18 affordable homes would be required over the Plan period. It is anticipated that the developments on the Oakleigh and Fruit Farm sites (as allocated within the Regulation 14 draft Bentley NP) would provide approximately 10 affordable homes in line with NPPF (2019) defined requirement of 35%. As a result, there is likely to be a shortfall in provision of affordable housing over the Plan period and the potential for a higher growth scenario to address this need is recognised.”

10.6.2 This potential higher growth scenario is not adequately explored within the neighbourhood plan. Given the identified shortfall in affordable housing provision in the neighbourhood plan area, it would be



appropriate for the SEA to undertake further assessment of potential higher growth scenarios to ensure the affordable housing needs are met in full over the neighbourhood plan period.

- 10.6.3 It is noted the SEA, at paragraph 9.45, states policy BEN 5 of the BNP is supportive of affordable housing on rural exception sites outside of defined settlement boundaries. However, whilst the policy is supportive of affordable housing being delivered under these circumstances, there is no guarantee that suitable sites exist around the existing settlement boundary (beyond the identified reasonable alternatives) for the provision of additional affordable homes outside of the defined settlement boundary.
- 10.6.4 There is also no guarantee or certainty that rural exception sites will be brought forward in accordance with policy BEN 5.
- 10.6.5 CODE consider the SEA for the BNP should be further revised to provide a sufficient review of a higher growth scenario to deliver additional homes to meet the identified affordable housing need for the settlement. D. E. J. Baker's site, on land west of Church Road, Bentley represents a suitable and sustainable location for allocation in the neighbourhood plan, which can deliver 20 homes over the period to 2037 (and could be built out within five years of planning permission) but can also deliver 35% affordable housing on site (equivalent to an additional seven affordable homes for the village).
- 10.6.6 The viability of the site is confirmed within the evidence base for the BMSJLP. BMSDC's viability assessment (evidence base document ER02 of the BMSJLP) demonstrates that greenfield development is viable with all policy costs identified. Development can viably support 35% affordable housing and S106 of either £1,500 per dwelling or £10,100 per dwelling (with scope in addition to increase residential CIL charge to £200 psm). For reference, having regard to the submitted Infrastructure Delivery Plan (IDP, prepared in support of the BSMJLP), the cost per dwelling (accounting for necessary education contributions) arising out of the site west of Church Road, Bentley is £4,317, well within the conclusions of the council's viability assessment. The allocation of land west of Church Road, Bentley would therefore be viable.
- 10.6.7 Given these conclusions, it is clear that the SEA has not adequately considered all reasonable alternatives for delivering the identified affordable housing needs for the neighbourhood plan area. Such an assessment should consider and compare the reasonable alternatives, including the preferred approach, and assess these against the baseline environmental characteristics of the area and the likely situation if the neighbourhood plan were not to be made. The Planning Practice Guidance⁴ (PPG) is clear that, in preparing an assessment of reasonable alternatives, it is important to:
- *“outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental factors using the evidence base (employing the*

⁴ Paragraph 038, reference ID: 11-038-20190722



same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;

- as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce, and, as fully as possible, offset them;*
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*
- Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered in developing the policies in the plan. They need to be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made. However, it may be that the strategic policies for the neighbourhood area limit the alternatives that can realistically be considered.”*

10.6.8 In addition, the neighbourhood plan has not adequately considered ways of mitigating adverse effects and maximising beneficial effects (policy-on consideration)⁵, to understand whether the adverse effects identified for the reasonable alternatives could be addressed. The SEA fails to provide any transparent methodology for a post mitigation assessment, nor does it outline whether any such approach has been taken. Given the clear inconsistencies in the BNP identified within this representation and the scoring of the reasonable alternatives, BPC must undertake post mitigation assessment of all of the sites and correct the incorrect scoring included within the SEA.

10.6.9 For example, access into the Fruit Farm site has not been adequately addressed within the SEA. Access into the Fruit Farm site will require the removal of hedgerow, which has not been appropriately scored within the SEA. By contrast, the proposals for land west of Church Road demonstrate a considered approach to providing new vehicular and pedestrian/cycle access in relation to existing hedgerows and trees. CODE append the access arrangements submitted in support of previous application for up to 45 dwellings (DC/19/00291) for land west of Church Road, which demonstrates the retention of as many trees and hedgerows as possible, in addition to utilising no dig construction to ensure limited harm to root protection areas. This is included at appendix 4.

10.6.10 BPC's summary of 'Developing the preferred approach', at section 7 of the SEA, fails to provide sufficient reasons for selecting the preferred option over the reasonable alternatives. This is a breach of the SEA Regulations and is in direct conflict with the principles outlined by the Court in *Heard v Broadland District Council [2012] EWHC 344 (Admin)*. Following the conclusion of the SEA that all reasonable alternatives score similarly, it is concerning to note that BPC has included scope for a potential rural exception site at the rear of the 'Fruit Farm' site, which forms no part of the

⁵ Paragraph 033, reference ID: 11-033-20150209



neighbourhood plan or any emerging plans, in their reasoning for selecting the site as their preferred option. This approach is fundamentally flawed and inconsistent with the SEA regulations. This cannot be an appropriate way to justify a preferred option within an SEA; indeed, the assessment of reasonable alternatives does not include any reference to the potential rural exceptions site because proposals simply do not exist, nor do they form any element of the emerging neighbourhood plan.

10.6.11 CODE considers the independent examination of the neighbourhood plan should be paused to enable BPC to instruct AECOM to undertake an appropriate review of the spatial growth options which could be appropriate for the BNP. Without this additional assessment the BNP fails its requirement to comply with the Environmental Assessment of Plans and Programmes (2004) Regulations and the basic conditions.

11 ILLUSTRATIVE PROPOSAL FOR THE 'FRUIT FARM'

11.1 Illustrative Proposal for the Fruit Farm in relation to land west of Church Road

11.1.1 Within section 1.2 of the document, the Parish Council's key principles (which are noted as important to people in the village), expected to be part of any development proposals, are noted as follows:

- Incorporation of green space
- Retention of mature hedgerows
- Footpath access into the village and out into the countryside.

11.1.2 In addition, the following more detailed development principles have guided the analysis and recommendation within the illustrative proposal:

- A mix of houses and bungalows shall be provided
- Up to 35% of the dwellings shall be affordable, as defined by the NPPF
- Dwelling sizes shall reflect the requirement identified in the Bentley Housing Needs Assessment
- All existing mature trees along the Capel Road frontage and the site boundary planting shall be retained
- Dwellings should secure energy efficiency and sustainability objectives of the Local Planning Authority and NPPF including the inclusion of renewable energy schemes
- Grey water, surface water and storm water harvesting and recycling provision.

11.1.3 The document also requires compliance with a number of general principles and guidelines. CODE is confident the aims of the Illustrative Proposal for the Fruit Farm site can be appropriately accommodated into the proposals at Church Road (where directly relevant). However, we do not



consider that proposal for the Fruit Farm site can be delivered as per the illustrative proposal. Although illustrative the list above is clearly introduced by a requirement that any development proposal will need to satisfy the key principles.

12 **SITE SUBMISSION – LAND WEST OF CHURCH ROAD, BENTLEY**

- 12.1 Land west of Church Road, Bentley is a suitable, available and achievable site for allocation in Bentley, as recognised by the emerging BMSJLP and its evidence base. This representation has demonstrated the flawed nature of BPC's evidence base prepared in support of the neighbourhood plan, and the implications this has for the consideration of the site west of Church Road as a potential allocation.
- 12.2 The emerging BMS-JLP includes an allocation for 20 dwellings on a 0.5 hectare site, to the west of Church Road. The BNP identifies a site for 16 dwellings on 0.75 hectares.
- 12.3 Representations were made by BPC and agents for other sites in Bentley regarding land west of Church Road, referencing deliverability, viability and suitability of the site. Those representations referenced a previous planning application (DC/19/00291) for up to 45 dwellings and inclusion of an option, at that time, to split the affordable housing provision across land west of Church Road, Bentley and a separate rural exception site located in the same settlement and in the same ownership. However, the landowner always confirmed that if such a split arrangement could not be agreed with the local planning authority, the full provision of 35% affordable housing would be made on the application site (which would be viable). The split arrangement is not proposed for the 20 dwelling allocation and 35% affordable housing will be provided on site.
- 12.4 BMSDC's own viability assessment (ER02) demonstrates that greenfield development is viable with all policy costs identified. It goes on to state development can viably support 35% affordable housing and S106 contributions of either £1,500 per dwelling or £10,100 per dwelling (with scope in addition to increase residential CIL charge to £200 psm). The submitted IDP (ER01) identifies a cost per dwelling for LS01 (03) at £4,317, well within the conclusions of the councils' viability assessment. The allocation is therefore viable.
- 12.5 Furthermore, the attached letter⁶ dated 24 February 2020 from Whirledge & Nott (W&N), provides viability evidence in relation to a proposed phasing condition that imposed a restriction on the number of dwellings that could be occupied in the first five years following approval to only 20 dwellings.
- 12.6 W&N concluded that if planning permission was granted with a phasing condition the site would be commercially viable and would particularly gain interest from SME's (Small and Medium Enterprise Housebuilders) and local housebuilders. The NPPF, at paragraph 69, recognises the contribution that small and medium sized sites can make towards meeting the housing requirement of an area.

⁶ See appendix 5. The letter was submitted in support of planning application DC/19/00291 (for up to 45 dwellings)



- 12.7 Considering deliverability, the site is available, suitable and achievable. The SHELAA (EH06), states the site is developable within years 6-15 of the local plan. Evidence submitted through the determination of application DC/19/00291, in addition to CODE's representations to the regulation 19 consultation of the BMSJLP, demonstrate land west of Church Road is deliverable, available and achievable within five years. In relation to the constraints identified in the SHELAA (page 63) the following sub sections provide confirmation that these elements have been considered in detail and do not present issues that would delay or compromise the delivery of LS01 (03).
- 12.8 In comparison, the Fruit Farm site is in close proximity to the extension to the AONB (as explored in more detail at section 10.4 of this representation). It should also be noted neither land west of Church Road or the Fruit Farm site are part of a valued landscape for the purposes of the NPPF; rather, the landscape evidence submitted in support of the neighbourhood plan concludes that the landscape north of Bentley is valued by the local community. The evidence base does not specifically conclude or clarify that the landscape north of Bentley is a valued landscape for the purposes of the NPPF (nor does the neighbourhood plan itself seek to identify the landscape to the north of Bentley as a valued landscape).



13 CONCLUSIONS

- 13.1 The BNP, as submitted, does not meet the basic conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). CODE has fundamental concerns regarding the policies of the submitted BNP, their consistency with the NPPF (July 2021) and the evidence base documents which have informed the preparation of the neighbourhood plan. The BNP as submitted is not in accordance with the Environmental Assessment of Plans and Programmes Regulations (2004). In summary, the neighbourhood plan does not accord with the relevant regulations for the following reasons:
- These representations find fundamental flaws in the methodology used in the preparation of the SEA, including the consideration of reasonable alternatives (both for potential site allocations and the suggested spatial strategy for the neighbourhood plan area);
 - The SEA has also failed to consider a higher growth scenario which the document identifies as a potential reasonable alternative, given the shortfall in affordable housing provision over the neighbourhood plan period to 2037. The neighbourhood plan should include a consideration of all reasonable alternatives, including a 'do nothing' scenario;
 - The BNP's SEA includes no assessment of post mitigation measures which could rectify the scoring for the reasonable alternatives. This is directly in conflict with the Regulations;
 - BPC's summary of 'Developing the preferred approach', at section 7 of the SEA, fails to provide sufficient reasons for selecting the preferred option over the reasonable alternatives. This is a breach of the SEA Regulations and is in direct conflict with the principles outlined by the Court in *Heard v Broadland District Council [2012] EWHC 344 (Admin)*.
- 13.2 If the independent examiner considers that the BNP should continue to be the subject of further scrutiny, CODE consider it is essential that a hearing session is held to enable interested parties the opportunity to discuss the significant failings of the submitted Strategic Environmental Assessment (SEA).
- 13.3 The evidence base supporting the BNP, and the record of decisions taken within those evidence base documents, implies an approach by BPC which has sought to justify the allocation of the 'Fruit Farm' site for around 16 dwellings, rather than the iterative approach which is emphasised both within national planning policy and guidance. The evidence base documents also do not appear to have appropriately considered the potential impacts of the 'Fruit Farm' site on the extension to the Suffolk Coast and Heaths AONB.
- 13.4 Land west of Church Road, Bentley was submitted for consideration by BPC for allocation within the BNP. The site is currently included as a draft allocation within the submitted BMSJLP 2018-2037, for 20 dwellings.



- 13.5 In addition, it is considered that policies of the BNP are not in conformity with national planning policy and guidance. The policies are also not in general conformity with the emerging strategic policies of the BMSJLP, including policy SP03 which sets the settlement boundaries, and SP04 which outlines anticipated growth within neighbourhood plan areas, for the period to 2037.
- 13.6 Where there is an emerging Local Plan and an emerging Neighbourhood Plan, Government guidance encourages the LPA and the qualifying body to work together to avoid conflict. In particular, and potentially relevant here, to ensure that housing supply policies are complementary. This requires consideration of the housing requirement figure for the neighbourhood area, if any (see NPPF para.66), or indicative figure if requested (see NPPF para.67), and Government guidance notes that emerging Neighbourhood Plans may need to include reserve sites to ensure emerging evidence of housing need is addressed⁷.
- 13.7 D. E. J. Baker's site on land west of Church Road, Bentley represents a suitable, achievable and available site for allocation, in a sustainable location in close proximity to Bentley VC C of E Primary School, and within an acceptable walking and cycling distance of the other key services and facilities within the village. Babergh District Council's reasons for identifying the site for allocation within the emerging BMSJLP are sound and the allocation should be reflected within the BNP and the neighbourhood plan's policy map.
- 13.8 Where policies can be brought into accordance with national planning policy and guidance, CODE has suggested modifications to these policies to assist the independent examiner in their consideration of the neighbourhood plan against the basic conditions. Where they cannot, CODE provide reference and detail to the evidence base prepared in support of the neighbourhood plan to demonstrate why the neighbourhood plan should not proceed to referendum.

⁷ Planning Practice Guidance paragraph 009 (Reference ID: 41-009-20190509)



Appendix 1



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IP1 1UB



**DAYNES HILL
& PERKS**
A MEMBER OF EVERSHEDS

Incorporating
Turner Martin & Symes

Date 16th July 1991

Your Reference

Our Reference AJ/JHM

D.E.J. Baker Esq.,
Falstaff Manor,
Bentley,
Ipswich,
Suffolk.

Dear Don,

Many thanks for your letter with the interesting communication from Mr. Lari.

I received this morning from Midland the deeds of the 182 acres. Very much to my surprise these confirm that you own the track itself, and I enclose a copy of the plan on the Conveyance to your Father in 1965. Edged in red is the land then conveyed to your Father (just the small section which I have shown), and edged in brown the track. The latter was conveyed as follows " Together also with the soil of the cartway or lane leading from the public highway to Grove Farm, Bentley aforesaid delineated and coloured brown on the plan". It was conveyed subject to the rights for the owners of OS317.

I confirm that when your Father conveyed his share in the land to you he also transferred the ownership of the track.

I have written to Lari as per the enclosed copy letter, and I suppose we must await events. In the meantime, I have also heard from the Highways Department and I enclose a copy of their letter and plan.

Yours sincerely,

ARTHUR JACKSON

Partners
Michael C. Dickinson
Brian A. Fox
Julia Phillips
Raymond F. Smith
Arthur Jackson
Tony Beard
John Phillips
Brian A. Fox
Richard J. C. Fox
Barbara H. Fox
Gavin A. Fox
Richard J. C. Fox
Peter Thompson

Senior Associates
John Donald Smith
John Fox
Michael Fox
Chris Gilliam
Ben Goodwin
John Harrison
Ian Mann
Malcolm Smith
Brian J. C. Fox
John C. Fox
Charles Fox
Terry Fox
Andrew Fox

Other Associates
David Fox
Robert Fox
Paul Fox
David Fox
John Fox
John Fox
John Fox
John Fox
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Other Staff
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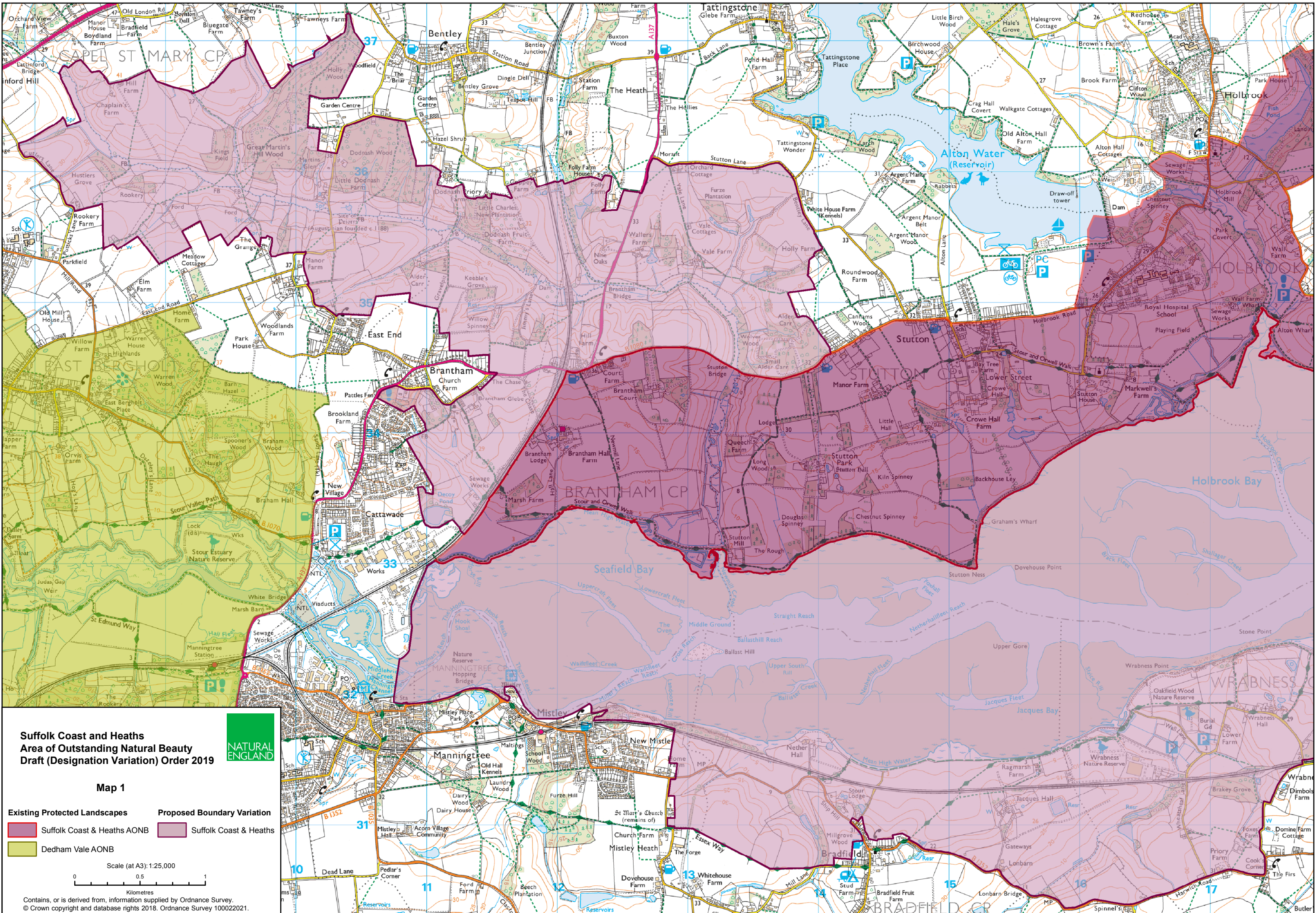




Appendix 2








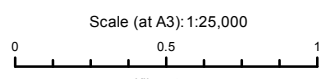


**Suffolk Coast and Heaths
Area of Outstanding Natural Beauty
Draft (Designation Variation) Order 2019**



Map 1

- | Existing Protected Landscapes | | Proposed Boundary Variation | |
|--|-----------------------------|---|------------------------|
|  | Suffolk Coast & Heaths AONB |  | Suffolk Coast & Heaths |
|  | Dedham Vale AONB | | |



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Appendix 3





Land West of Church Road, Bentley, Suffolk

11324_R02a_Landscape Statement

1.0 Introduction

- 1.1. This Landscape Statement should be read in conjunction with the Landscape and Visual Appraisal Report (Reference 11324_R01a_LVA_RP_20122018) and provides additional information in support of the outline planning application (reference DC/19/00291) for circa 45 residential properties.
- 1.2. This landscape statement provides additional information with regard to the Suffolk Coast and Heaths AONB, and the proposed variation by Natural England to the boundary of the AONB in relation to the context of the site. It provides an overview of the impact the application site could have on the revised AONB boundary.

2.0 Variation to the Suffolk Coast and Heaths AONB Boundary

- 2.1 The Suffolk Coast and Heaths AONB is proposed to be extended to incorporate land to the west of the application site. The extension to the AONB has been proposed to “ensure magnificent estuary, valley and woodland *views in this part of Suffolk and Essex are given added protection*”. The extended boundary would increase the AONB and include approximately an additional 15 square miles.
- 2.2 The proposed AONB boundary will encompass Holly Wood to the west of the site, as seen on the proposed plan found in **Appendix 1** and on **Plan 12**. The revised AONB boundary will sit approximately 430 metres to the west of the application site, with the north eastern part of Holly Wood forming the boundary to the AONB.
- 2.3 The key special qualities of the AONB which are relevant to the site are identified as follows:
 - *“Close-knit interrelationship of semi-natural and cultural landscapes (notably sea, coast, estuaries, reedbeds, Sandlings heath, forest, farmland and market towns) and built heritage features, creating a juxtaposition of elements in a relatively small area;*
 - *Varied habitats and land cover in intricate mosaic corresponding to natural geography (landform, geology, soils and climate) and displaying seasonal differences;*
 - *Elevated vantage points provide impressive views over low lying coastal marshes, estuaries, beaches and expansive long distance views out to sea;*
 - *Large open vistas across heaths and along the coast;*
 - *Pockets of relative wildness associated with coast, estuary and forests in this largely farmed and settled landscape;*
 - *Semi-natural habitats evident, notably on the Sandlings heaths, marshes, reedbeds, estuaries and along the coastline;*
 - *Landscape interspersed with isolated villages, and built heritage assets;*
 - *Big ‘Suffolk skies’ and expansive views offshore emphasise sense of openness and exposure;*

- *Forestry plantations create sense of enclosure and isolation contrasting to open and more exposed areas along the coast;*
- *Areas of semi natural habitat, where there is a general absence of development and apparent human activity, contribute to a sense of relative tranquility;*
- *Field patterns reflect process of land management and enclosure;*
- *Extensive rights of way network (including promoted and long distance routes), offering access to key landscape types and between centres of population and key tourist destinations; and*
- *Opportunities for a range of active and passive recreational pursuits.”*

2.4 The site does not fall within the boundary of the AONB or its proposed extension but does share some characteristics with the AONB. However, it is influenced by the built form of the existing settlement and the presence of scattered villages and buildings in the local landscape context as seen on **Figure 1**. The site is not perceived as having a sense of tranquility

2.5 The location of the site in relation to existing residential properties and traffic travelling along Church Road, as well as the presence of Bentley Primary School provides a sense of a settled character. The location of the site in relation to the settlement edge sets in on the periphery of built form and the presence of established vegetation to field boundaries, reduces any long distance views and sense of openness.



[Figure 1: Village edge character and setting, with existing residential properties adjacent to the site at the southern boundary].

2.6 The sites location and relationship with existing built form and the existing boundary vegetation and topography gives the site settlement edge characteristics. The site is not unsettled and is influenced by built form and the existing village pattern, which is all clearly visible from within the site and key visual receptor locations nearby.

2.7 As detailed in the LVA, a proposed public footpath link along the southern part of the site will increase recreation within the area and its surroundings and will enhance opportunities for recreational pursuits; a key aim of the management of the AONB.

2.8 Enhancements to existing landscape features and improved recreational links will be beneficial and will assist in balancing out the loss of greenfield land. The land use, which is

predominantly arable provides evidence of human activity, and as such adds to the lack a sense of tranquility on-site.

- 2.9 Although the site is open along its northern boundary, it is not an expansive landscape, and is enclosed at its eastern, southern and western boundaries by established boundary planting. The southern boundary planting consists of a variety of rear garden boundaries, including hedge planting and scattered mature trees. The eastern and western boundaries comprise mature tree planting.
- 2.10 There are no elevated vantage points, or long distance views from within or towards the site from publicly available locations within the AONB or its proposed extension, or within proximity of the site.
- 2.11 The development of the site, as detailed in the LVA will not cause undue harm to the landscape character or landscape features of the site or surrounding area. Existing planting is being retained and additional characteristic tree planting is proposed as part of the application proposals.
- 2.12 Proposed soft landscaping would contribute to the management objectives found within the Joint Babergh and Mid Suffolk District Council Landscape Guidance and the development of the site will not cause undue harm to the setting of the AONB or its special qualities.

Visual Implications

- 2.13 As highlighted in the LVA, views of the site are limited and intervening mature tree planting found at the boundaries of fields and along roads to the north and north west of the site reduces visibility.
- 2.14 The LVA identified 10 representative photoviewpoints from where the site can be seen within the locality. From the west towards the proposed AONB boundary, the site is visible from Public Right of Way 55 and illustrated on representative **Photoviewpoints 7 and 8** and appended in the rear of this report and identified on **Plan 12**. From these viewpoints, the site is seen through gaps in existing mature hedgerow and scattered tree planting. Mature tree planting and the existing settlement edge can be seen forming the backdrop to the site along the skyline.
- 2.15 **Plan 12 and Plan 13** found to the rear of this report show the proposed amended boundary of the AONB and along with **Figure 2** below, these illustrate the planting present within the surroundings of the site. Hedge planting and scattered mature trees found along Station Road, and tree planting found flanking field boundaries within the area limits the potential for intervisibility of the site. The low-lying topography, and presence of built form and buildings located around Station Road and Case Lane also limit visibility of the site and filter views.
- 2.16 Views from the northern part of the AONB as proposed and from Holly Wood will be also be limited due to the lack of publicly accessible footpaths within the area. Although a public footpath can be found running through Holly Wood, this is surrounded by established tree planting as seen on **Figure 2** which filters any potential views of the site when looking east. It is therefore unlikely that there will be any views of the site from within the AONB or its proposed extension.



[Figure 2: Sourced from Google Maps, illustrating the surrounding landscape and existing vegetation].

3.0 Conclusion

- 3.1 In conclusion, the development of the site will not cause any undue harm to the Suffolk Coast and Heaths AONB, and its revised boundary. There is no intervisibility between the site and the proposed AONB area, and existing mature tree and hedge planting found along field boundaries, as well as the woodland at Holly Wood filters views of the site. The site shares some of the special qualities of the AONB, but its character is more representative of the adjacent settlement edge and the retention of key landscape features and additional proposed landscaping will assimilate the development into the surrounding landscape.
- 3.2 The study undertaken by Tyler Grange concludes that the development of the site for 45 residential properties (application ref DC/19/00291), would not cause undue harm to the landscape character or visual amenity of the Suffolk Coast and Heaths AONB (both existing and extended as proposed) or its setting.

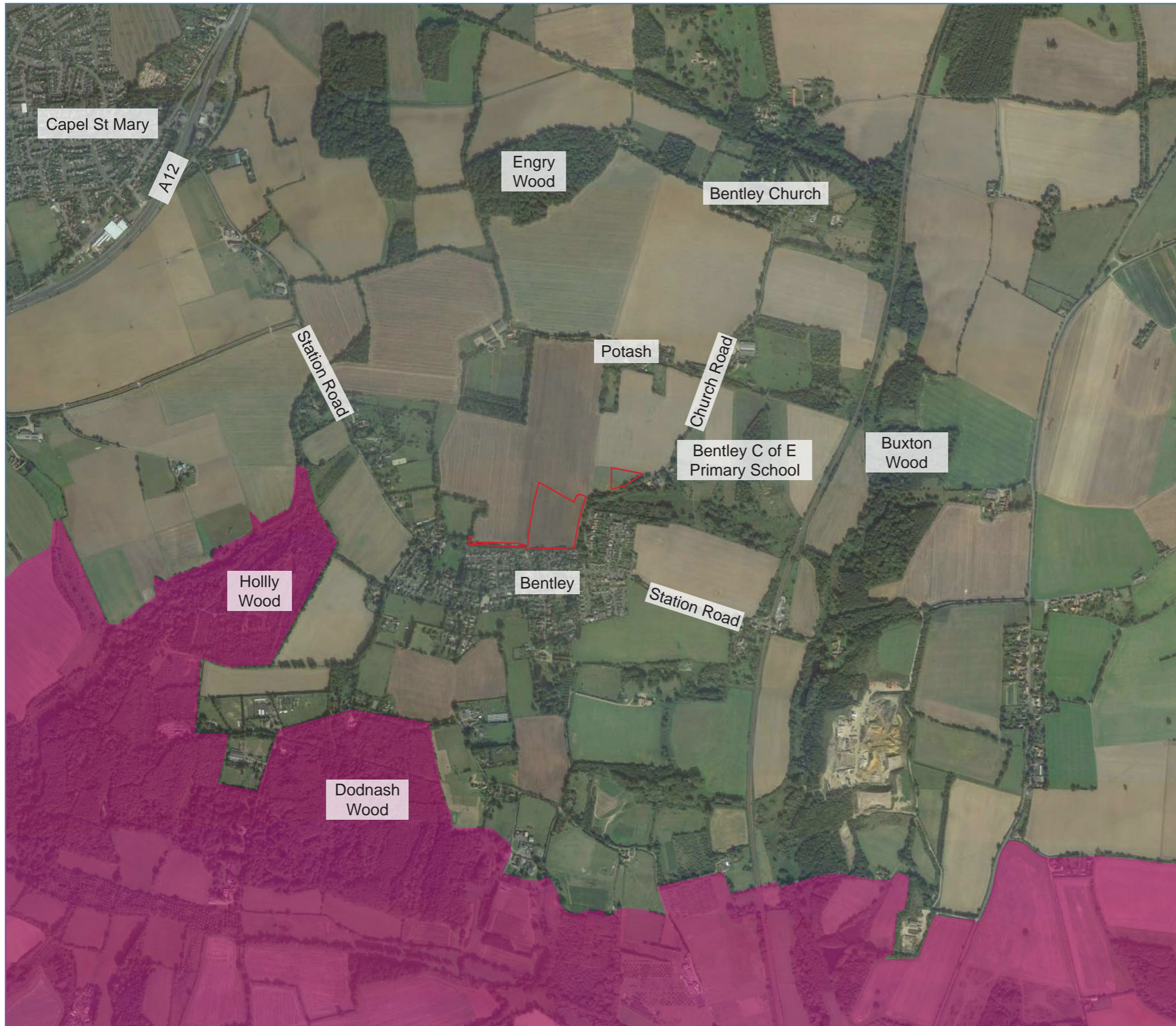
4.0 Plans

Plan 12: AONB Boundary and Site Context - Aerial Plan
 Plan 13: Revised AONB Boundary - Visibility
 Photoviewpoints 8 and 9: Extract from LVA

5.0 Appendices

Appendix 1: Suffolk Coast and Heaths Area of Outstanding Natural Beauty Draft (Designation Variation) Order 2019

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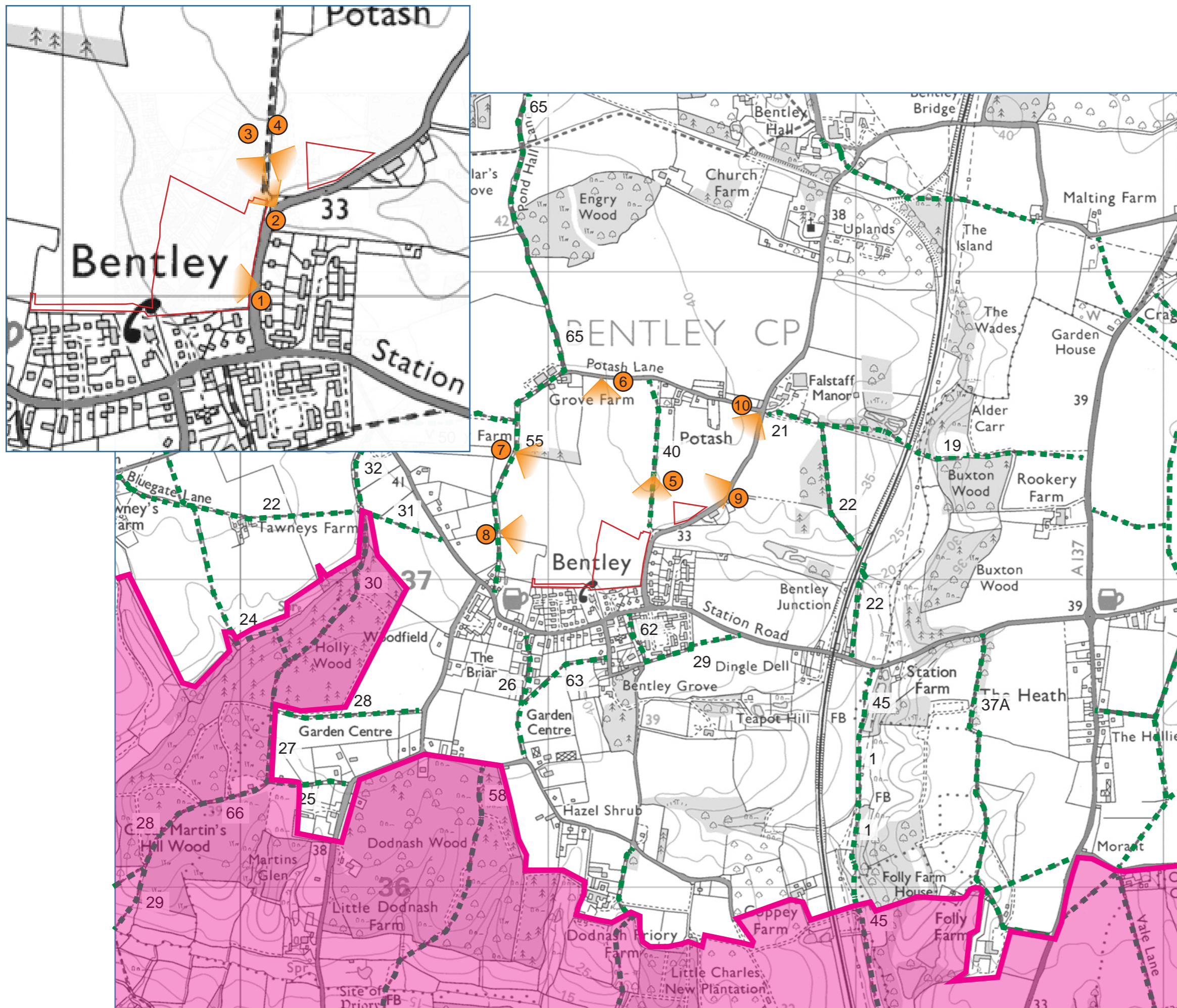
- Site Boundary
- Suffolk Coast and Heaths AONB Proposed Boundary Variation







Project Land West of Church Road, Bentley, Babergh
Drawing Title **Plan 12: AONB Boundary and Site Context - Aerial Plan**
Scale Not to scale
Drawing No. 11324/P13
Date March 2019
Checked KL/RP



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-  Site Boundary
-  Footpaths
-  Viewpoints
-  Revised Suffolk Coast and Heaths AONB Boundary



Project Land West of Church Road, Bentley, Babergh
 Drawing Title **Plan 13: Revised AONB Boundary - Visibility**
 Scale Not to Scale
 Drawing No. 11324/P12
 Date March 2019
 Checked KL/RP



3 Visual Study

Visual Impact

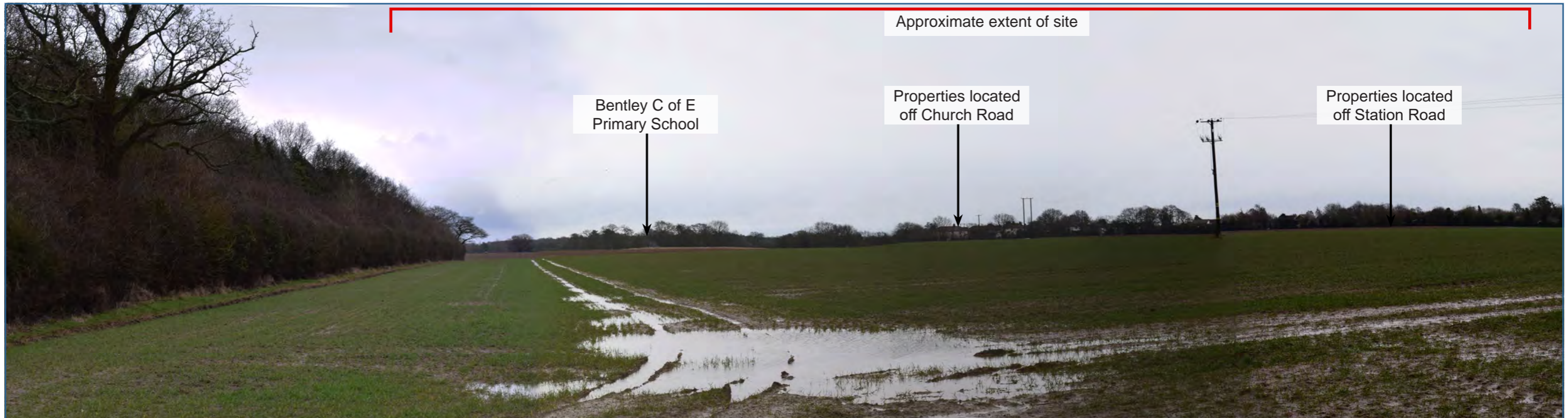
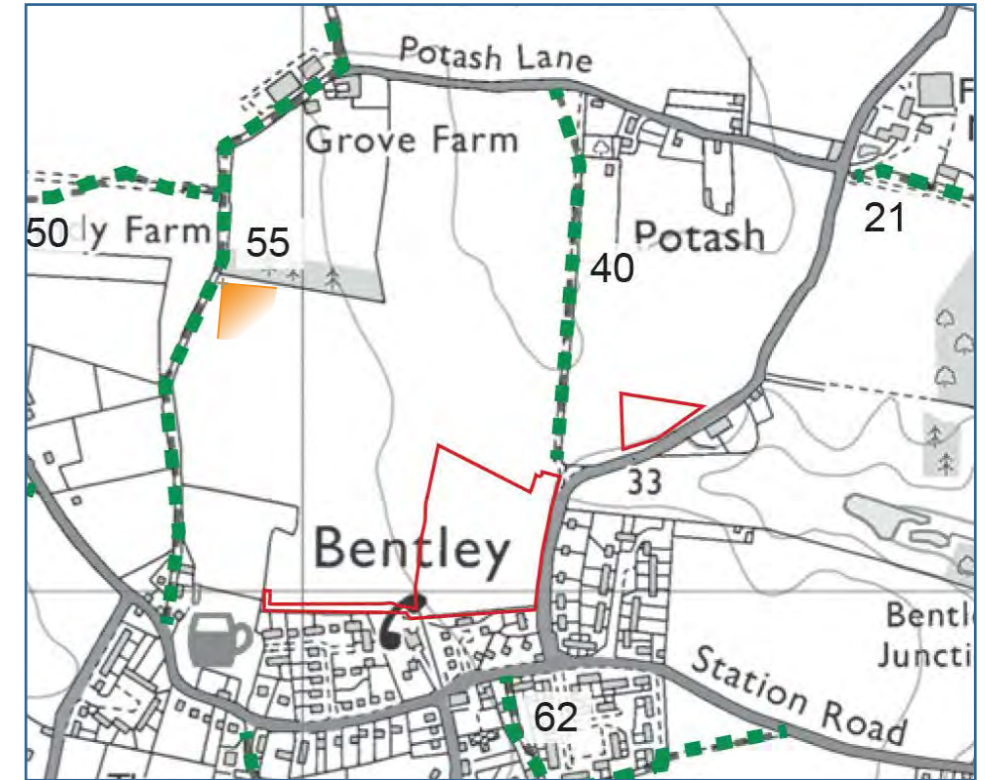
- 3.16 The site will be visible from this location, with the rear of properties along Church Road and the properties present through boundary tree planting.
- 3.17 Established tree planting at this location can be seen along the skyline, with hedge and tree planting present. Existing pylons found running across the site are present in this view, and the flat nature of the site is also illustrated in this view.

Receptors

- 3.18 Receptors likely to experience this view will be recreational users of PRow 55.

Mitigation Recommendations

- Trees seen along the southern boundary are characteristic of the landscape character and groups of trees placed along the northern boundary of the development will help to mitigate views of the new development edge and soften the built form;
- The new development boundary should be informal and loose to create a soft edge, helping to filter and assimilate the development into the surrounding landscape; and
- Development should be kept below the skyline.



Photoviewpoint 7: Taken from PRow 55.

Orientation: East

Distance from site: 0.5km

3 Visual Study

Visual Impact

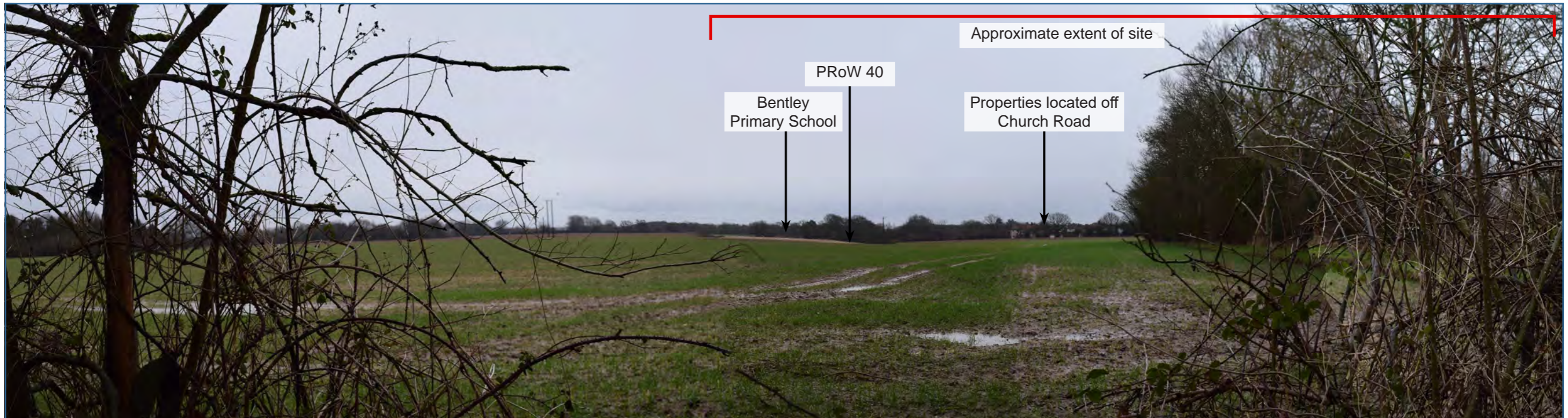
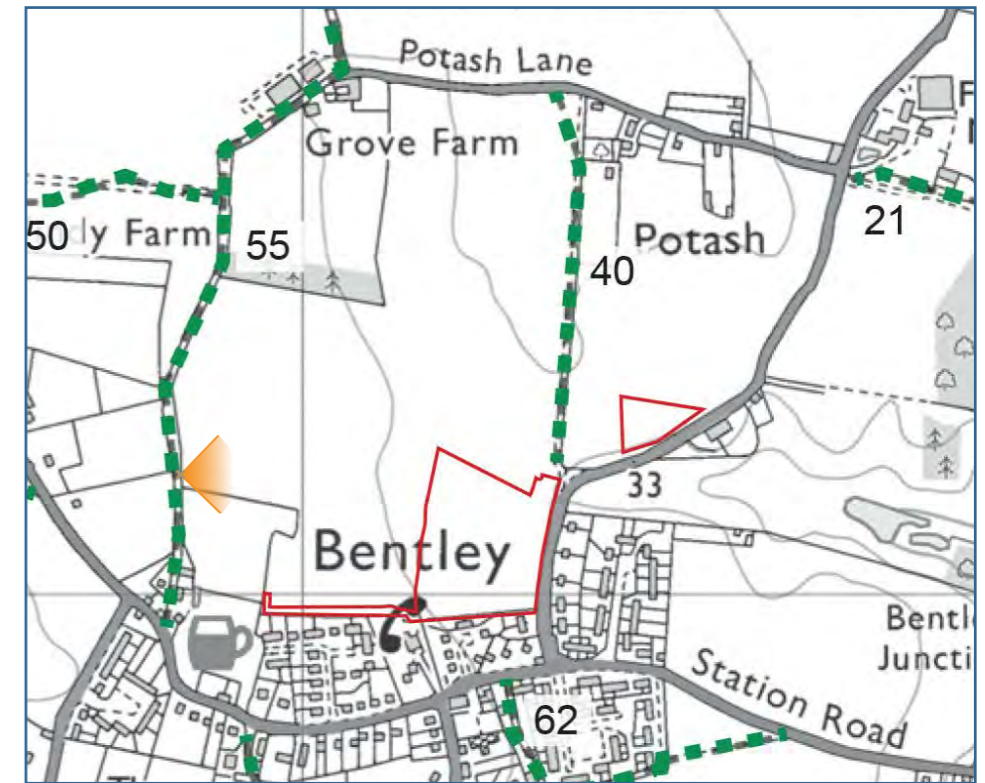
- 3.19 Views are experienced through gaps in boundary vegetation. Looking east, this view consists of established boundary vegetation found along field boundaries, and the residential edge of properties located off Church Road.
- 3.20 This view looks across the existing arable fields, with the gently undulating ground seen in the foreground to the view. The existing boundary vegetation found along Church Road frames the skyline of the view in combination with the built form.
- 3.21 From this location, development will be seen against the context of the existing built edge of the village.

Receptors

- 3.22 Receptors likely to experience this view will be recreational users of PRoW 55.

Mitigation Recommendations

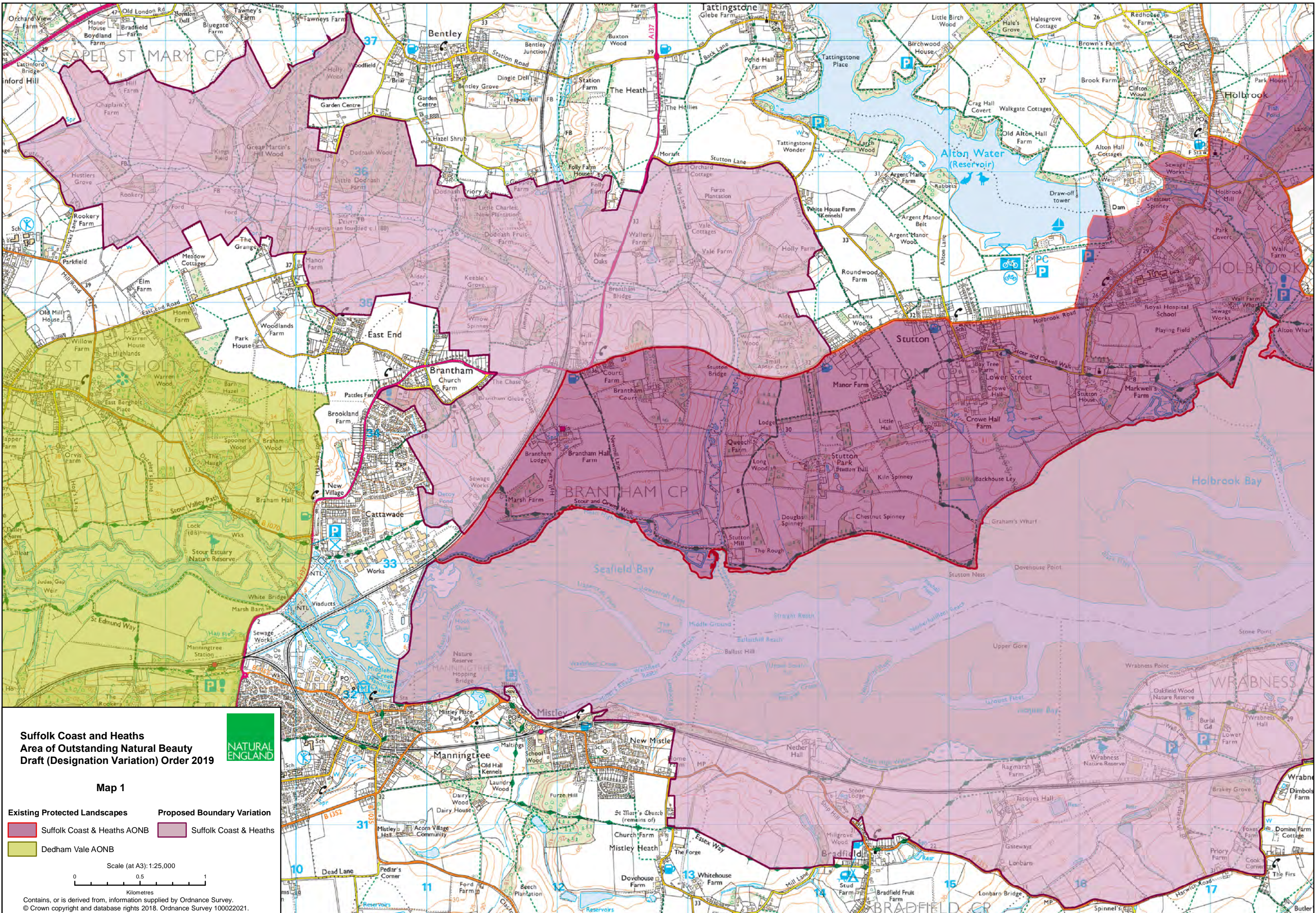
- Trees located along the northern boundary will filter the edge of the development and assimilate the development into the landscape; and
- The addition of internal tree planting through the development will filter views and soften the roof-lines of proposed development over time.



Photoviewpoint 8: Taken from PRoW 55

Orientation: East

Distance from site: 0.25km



**Suffolk Coast and Heaths
Area of Outstanding Natural Beauty
Draft (Designation Variation) Order 2019**



Map 1

- | | |
|--------------------------------------|------------------------------------|
| Existing Protected Landscapes | Proposed Boundary Variation |
| Suffolk Coast & Heaths AONB | Suffolk Coast & Heaths |
| Dedham Vale AONB | |

Scale (at A3): 1:25,000
0 0.5 1
Kilometres

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Appendix 4





CODE Development
Planners



**Babergh and Mid
Suffolk Joint Local
Plan
Pre-Submission
(Regulation 19)
Consultation**

**Representations on
Sustainability
Appraisal**

D. E. J. Baker



CONTENTS

EXECUTIVE SUMMARY	III
1 INTRODUCTION.....	1
2 THE SUSTAINABILITY APPRAISAL – SITE SIEVING PROCESS.....	2
3 LAND WEST OF CHURCH ROAD, BENTLEY (SITE REFERENCE SS0820)	3
4 COMMENTARY ON OTHER SITE OPTIONS CONSIDERED IN BENTLEY	9
5 ALTERNATIVE SUSTAINABILITY APPRAISAL	12
6 CONCLUSIONS.....	16





EXECUTIVE SUMMARY

This representation has been prepared by CODE Development Planners on behalf of D. E. J. Baker in support of the allocation of land west of Church Road, Bentley, under policy LS01 of the Babergh Mid Suffolk Joint Local Plan (BMS-JLP).

CODE has considered Babergh and Mid Suffolk Councils' Joint Local Plan Sustainability Appraisal (JLP-SA) for its compliance with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). CODE is generally supportive of the conclusions of the JLP-SA in its assessment of reasonable alternatives (with a particular focus on the sites considered in Bentley parish).

The conclusions within this representation demonstrate that the JLP-SA of the site at Church Road, Bentley (reference SS0820) has been undertaken without the benefit of the conclusions of detailed reports which can be utilised to accurately score the potential impacts of the site against the relevant criteria within the JLP-SA. Whilst the conclusions of this representation do not alter the overall outcome of the JLP-SA which support the allocation of land west of Church Road, Bentley it does update the information upon which the JLP-SA is based and improves the score for the site.

An alternative sustainability appraisal assessment is included within section 5 of this representation. The scoring is consistent with the methodology applied by LUC. The alternative assessment is important in demonstrating that site SS0820 (land west of Church Road, Bentley) remains the highest scoring alternative within the village.

1 INTRODUCTION

- 1.1 Babergh and Mid Suffolk District Councils' Joint Local Plan is supported by the Babergh Mid Suffolk Joint Local Plan Sustainability Appraisal (JLP-SA), which has been prepared by LUC (October 2020).
- 1.2 A sustainability appraisal (SA) prepared in support of a local plan *"needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted"* (PPG, paragraph 018, Reference ID: 11-018-20140306).
- 1.3 In doing so, it is important to outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (as required by Regulation 5 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)).
- 1.4 The SA must also provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach considering the alternatives. This approach is consistent with the requirements of the SEA Regulations.
- 1.5 CODE is acting on behalf of D. E. J. Baker, the landowner for the allocation on land west of Church Road, Bentley. The site is allocated under policy LS01 (Hinterland and hamlet sites) for 20 dwellings. The sites are expected to comply with the other relevant policies of the BMS-JLP. CODE has reviewed the JLP-SA in respect of this allocation to understand the other reasonable alternatives considered and dismissed as preferred options in Bentley. This review has identified the scoring of the sites against the main objectives of the JLP-SA has not been conducted using up to date data. In response, CODE has prepared an alternative scoring system in section 5 of this representation (using the same methodology contained within the JLP-SA).
- 1.6 CODE generally supports the assessment of site SS0820 through the JLP-SA which has enabled Babergh and Mid Suffolk District Councils (BMSDC) to include the site as a preferred option within the Regulation 19 version of the Joint Local Plan. However, this representation has considered the assessment of the allocated site and the other reasonable alternatives in Bentley to assist BMSDC in ensuring that the JLP-SA is legally compliant and has appropriately considered the reasonable alternatives for allocation in Bentley.



2 THE SUSTAINABILITY APPRAISAL – SITE SIEVING PROCESS

- 2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies that are set out in local plans must be the subject of a Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the local plan's proposals on sustainable development when judged against all reasonable alternatives.
- 2.2 BMSDC should ensure that the results of the JLP-SA process conducted through the review clearly justify any policy choices that are ultimately made, including the proposed site allocations (or any decision not to allocate sites) when considered against "*all reasonable alternatives*". In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, BMSDCs' decision making, and scoring should be robust, justified and transparent.
- 2.3 The JLP-SA must demonstrate that a comprehensive testing of options has been undertaken and that it provides evidence and reasoning as to why any reasonable alternatives identified have not been pursued. A failure to adequately give reasons in the JLP-SA could lead to a challenge of the Councils' position through the examination process. The JLP-SA should inform plan making. Whilst exercising planning judgement on the results of the JLP-SA in the BMS-JLP is expected, the JLP-SA should still clearly assess any reasonable alternatives and clearly articulate the results of any such assessment.
- 2.4 CODE has concerns that the JLP-SA, in its current form, does not clearly justify the preferred site allocations, over the sites which have been discounted following the results of the scoring within the JLP-SA and the Councils' own planning judgement. However, once sufficient detail has been added CODE considers that the overall conclusions of the JLP-SA will continue to identify land west of Church Road, Bentley as the preferred option when considered against the alternatives.



3 **LAND WEST OF CHURCH ROAD, BENTLEY (SITE REFERENCE SS0820)**

3.1 As outlined within CODE's representation to Policy LS01 to the BMS-JLP (Regulation 19), support is maintained for the inclusion of site SS0820 as an allocation within the emerging local plan. However, CODE has reviewed the scoring of the site against the main objectives within the JLP-SA and have sought to update the results of the exercise in line with conclusions reached within documents prepared in support of planning application DC/19/00291.

3.2 Planning application DC/19/00291 was an outline planning application for up to 45 dwellings on land west of Church Road, Bentley. Whilst the planning application was refused, the conclusions of the relevant reports prepared in support of the scheme are important to ensure up to date conclusions are presented within the JLP-SA. The conclusions are relevant to a reduced site area and smaller number of homes (20) proposed by policy LS01.

3.3 The following paragraphs consider the up to date information and its affect on the scoring within the JLP-SA.

3.4 **Bentley Church of England Voluntary Controlled Primary School**

3.4.1 CODE supports the conclusions of the JLP-SA regarding the desirable walking distance to the local primary school, for site SS0820. The site is the only site option within Bentley which can provide access to the primary school within a desirable walking distance, with an ability for children to safely access the school on foot. The site option, in recognition of its close proximity to the primary school, is also likely to have the lowest potential for journeys by private car, as opposed to walking to school. The significant/major positive effect for criteria 2a is supported.

3.5 **Best and most versatile agricultural land**

3.5.1 The JLP-SA, in appendix E, paragraph E.27, states:

"All sites are expected to have major negative effects in relation to criteria 7a (Brownfield/greenfield land) [the conclusions for greenfield land are undisputed] and 7b (Agricultural land classification) because the sites are categorised as greenfield and a significant proportion of the sites is on Grade 2 agricultural land and therefore does not make efficient use of land."

3.5.2 The Agricultural Land Classification (ALC) Report (appendix 1), prepared by Harrison Environmental Consulting, concludes that the topsoil and subsoil conditions across the site contain a high sand and gravel content linked to the characteristics of the underlying parent materials (sands and gravels) of the Kesgrave Subgroup and Lowestoft Formation.

3.5.3 These free draining characteristics are the main limiting factors for the ALC grade for stoniness and droughtiness (agricultural subgrade 3b). Based on the combination of stoniness, droughtiness and the site's gradient, the ALC Report concludes that the land the subject of policy LS01 for Bentley is ALC subgrade 3b.



3.5.4 The site is not, therefore of best and most versatile agricultural land quality. CODE therefore considers BMSDCs' overall assessment of the site, against JLP-SA objective 7b, should be updated to a '*Significant/major positive effect likely*' conclusion. The site is entirely Grade 3b agricultural land and the site can be appropriately designed to make the most efficient use of the land.

3.6 **Landscape Sensitivity/AONB**

3.6.1 CODE notes the proposed allocation boundary contained within the BMS-JLP allocation, under policy LS01 and the justification for this provided, inter alia, in the Babergh and Mid Suffolk Landscape Sensitivity Assessment of SHELAA Sites report (September 2020). However, we also note the draft (regulation 14) Bentley Neighbourhood Plan and its supporting information on landscape. Whilst we contend that the evidence base supporting the Bentley Neighbourhood Plan is flawed BMSDC might wish to consider an alternative allocation boundary for site SS0820: land west of Church Road, Bentley that would still accommodate 20 new homes.

3.6.2 CODE considers that an alternative allocation boundary, which might run in parallel with properties to the south, could potentially balance the competing positions of BMSDC and Bentley Parish Council. CODE has included two separate assessments of the site on land west of Church Road, Bentley, to demonstrate that whilst the existing allocation boundary reflects a minor negative impact, the potential alternative allocation boundary would score more positively against the JLP-SA criteria. Therefore, CODE has scored the alternative option for land west of Church Road as negligible.

3.6.3 In section 4 of this representation, CODE has highlighted the extension to the Suffolk Coast and Heaths AONB to the south and west of Bentley. Whilst this has potential implications for the other reasonable alternatives within Bentley, CODE considers it is important to note that the site on land west of Church Road, Bentley will not cause any undue harm to the Suffolk Coast and Heaths AONB and its revised boundary.

3.6.4 There is no intervisibility between the site and the proposed AONB area. Existing mature tree and hedge planting found along field boundaries as well as the woodland at Holly Wood, filter views of the site.

3.7 **Surface water flood risk**

3.7.1 CODE notes the proposed allocation boundary contained within the BMS-JLP allocation, under policy LS01. However, the northern most extent of this proposed allocation boundary may impact upon an existing surface water flood risk zone, caused by overland flows from the north west. This might affect the conclusions of the JLP-SA and/or reduce the number of new homes that can be achieved from the site.

3.7.2 However, CODE considers that an alternative allocation boundary, which might run in parallel with properties to the south, would avoid any issues with surface water flooding in the northern section of



the proposed allocation boundary. The linear north-south form of the allocation would have the potential to attract minor negative/major negative effect against criteria 10b of the JLP-SA.

3.7.3 For the purposes of the alternative assessment, contained within section 5 of this representation, CODE has presented two separate assessments. One based on the existing allocation, and a further assessment considering an amended allocation boundary on an east-west axis. Both scenarios relate to the existing northern settlement edge of Bentley. The alternative assessment demonstrates that the allocation in its current form attracts a minor negative for surface water flood risk, whilst the amended allocation boundary would reflect the current conclusions of the JLP-SA.

3.8 Foul Drainage

3.8.1 On 23 December 2019, CODE received a consultee response from Anglian Water in respect of planning application DC/19/00291 and whether there was sufficient capacity in the foul drainage network to accommodate the development of up to 45 new homes. The response from Anglian Water (attached at appendix 2 of this representation) confirmed that *“the sewerage system at present has available capacity for these flows.”* Therefore, there will be sufficient capacity in the existing foul drainage network to accommodate the allocation for 20 dwellings. Furthermore, the proximity of the site to the existing foul sewer pumping station and the provision a new foul pumping station for the site as a fallback position provides an additional level of detail and certainty in relation to the deliverability of the allocation. The conclusions of the JLP-SA in relation to land west of Church Road, Bentley should be revised to a minor positive effect.

3.8.2 The scoring against criteria 5c should also be updated to a minor positive effect, due to capacity being available within the existing Bentley Wastewater Treatment Works to accommodate the allocation.

3.9 Air Quality

3.9.1 In the consideration of planning application DC/19/00291, the Environmental Health Officer at Babergh District Council considered that the *“likelihood of this development causing a significant deterioration in air quality is low owing to the good existing air quality at the site and the relatively small-scale nature of the proposed development.”*

3.9.2 The allocation within the BMSJLP is for 20 dwellings. The comments of the Environmental Health Officer are therefore applicable to the JLP-SA’s conclusions and should be revised to appropriately reflect the site’s and its future residents’ lack of impact on existing AQMAs.

3.10 Archaeology

3.10.1 In support of planning application DC/19/00291, a Geophysical Survey Report and Written Scheme of Investigation were prepared to assess anomalies of an archaeological origin. The appended plan (appendix 3) demonstrates the location of these potential archaeological features.



3.10.2 The attached plan (appendix 3) demonstrates that there are no findings of a significant nature within the area included within the allocation boundary for site SS0820. However, to provide further context to the plan the following define the features present within the allocation boundary:

- **Green areas** – linear trends can be either positive or negative magnetic responses depending on the nature of the material present within the feature. The anomaly is considered to be “weak and broad” and is more likely to be of geological origin. The geophysical survey notes that the feature recorded within the allocation boundary is located where a broad dry valley is clearly extant in the topography. It is considered a geological feature unlikely of containing any features of archaeological significance.
- **Larger grey areas** – areas of magnetic disturbance usually caused by building demolition rubble, ferrous boundaries, slag waste dumps, modern buried rubbish, pylons and services. The area of magnetic disturbance recorded within the allocation boundary is therefore unlikely to be of archaeological significance. Indeed, the geophysical survey report noted that the area recorded within the allocation boundary represents a dump of CBM, placed to create traction for farm vehicles entering the field.
- **Grey dots** - Isolated dipolar responses commonly recorded throughout a dataset and are usually indicative of modern ferrous material deposited within the topsoil horizon. In some instances, the anomalies may be of an archaeological origin. They are isolated, strong and dipolar in character. The geophysical survey noted that the isolated dipolar responses recorded in the area of the allocation boundary were likely to be caused by individual fragments of magnetic material, lost or manured into the ploughsoil horizon. Ceramic building material (CBM) of a modern origin was witness within the ploughsoil by the geophysical survey team and the report notes that it is probably that some of the magnetic readings were caused by the presence of CBM. It is therefore unlikely that the isolated dipolar responses recorded by the geophysical survey were of any archaeological significance.

3.10.3 Based on the above, the JLP-SA's conclusions regarding archaeology can therefore be redefined from a minor negative/uncertain effect to a minor positive scoring against criteria 12a for site SS0820. The results of the geophysical survey did not highlight any items of archaeological interest or significance. Indeed, the anomalies recorded were predominantly of geological and agricultural origin.

3.11 **Access to employment opportunities**

3.11.1 The following services and facilities are available in Bentley, within 800 metres walking distance from the application site:

- Bentley Reformed Baptist Church – 230m;
- Bentley C of E VC Primary School – 400m;
- Bentley Village Hall – 550m;
- Bentley playing field – 730m;



- BJ's Hair Dressers – 270m;
- Bentley Stores (community run village store) – 800m (the opening hours of the community store are 9-5 Monday to Friday and 9-12 on Saturdays and Sundays);
- The Case is Altered Public House – 800m.

3.11.2 In addition to the above, the following services, employment opportunities and facilities are located within the parish of Bentley and are associated with the sustainability of Bentley village:

- Mirage Cosmetics Ltd;
- Just Essentials Head Office;
- Bentley Riding School;
- Nelson Potter Dodnash (fence suppliers);
- The Briar Campsite;
- Bentley Blooms;
- Stansa Plastic Ltd;
- Cheesy Bug Toys;
- Bentley Plant Centre.

3.11.3 This second list of facilities are greater than 800m from the proposed residential development with varying provision of footpaths. However, residents would also have an opportunity to access these facilities by bicycle. Although footpaths are not present for the entirety of the route from the site to the employment opportunities noted above (and public transport opportunities are limited) the National Planning Policy Framework (NPPF) at paragraph 103, advises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making.”* The NPPF recognises that in rural areas, opportunities to maximise sustainable transport options will be more limited in comparison with significant developments proposed in higher order settlements.

3.11.4 CODE therefore considers that the scoring for site SS0820 (land west of Church Road, Bentley) and, for the other site options in Bentley, can be revised to at least a minor negative effect. Whilst the sites are not located in close proximity to centres of employment, they are located within close proximity to existing employment opportunities within the local vicinity which can be accessed by cycling. The quantum of new homes directed towards the hinterland villages in the BMS-JLP recognises the need to manage patterns of growth to support objectives to promote sustainable transport within the context of existing settlements.

3.12 **Summary**

3.12.1 The conclusions above demonstrate that the JLP-SA of the site at land west of Church Road, Bentley has been undertaken without the benefit of the conclusions of detailed reports which can be utilised to accurately score the potential impacts of the site against the relevant criteria within the JLP-SA. The



conclusions regarding best and most versatile agricultural land, foul drainage and archaeology can be revised to reflect positive conclusions.

3.12.2 An updated assessment for the site on land west of Church Road, Bentley, is included in section 5 of this representation.



4 COMMENTARY ON OTHER SITE OPTIONS CONSIDERED IN BENTLEY

4.1 Site SS0395 (land west of Bergholt Road)

4.1.1 The appended map (see appendix 4) demonstrates the revised boundary of the Suffolk Coast and Heaths AONB to the west of Bentley. The conclusions of the JLP-SA do not appear to have considered the potential impacts of the site upon the setting of the AONB and its intervisibility across the Samford Valley.

4.1.2 As a consequence of this, CODE considers that the scoring within the JLP-SA should be amended for site SS0395, to reflect a potential significant negative effect on the AONB. In addition, the potential negative effect on landscape sensitivity should also be amended to a potential significant negative effect (for reference, to ensure that CODE's alternative assessment is consistent with the approach undertaken within the SA, CODE's conclusions have been recorded on a *"policy-off basis, which means that potential site-specific mitigation was not taken into account"*).

4.1.3 CODE notes that the site has been assessed with a potential yield of 60 dwellings. CODE's correspondence with the education authority, during the determination of planning application DC/19/00291 outlined that the primary school has the capacity to accommodate a development of up to 45 dwellings without the need to expand. A development of 60 dwellings, therefore, would likely require the expansion of the primary school. However, due to the constrained nature of the primary school's existing site, expansion of the primary school would not be possible without third party land. CODE considers therefore, that the scoring for site SS0395 should be updated to a significant/major negative effect.

4.1.4 Should Babergh District Council consider that it is appropriate to assess the revised dwelling number of 30 dwellings for site SS0395 (as set out in Hopkins Homes' representations submitted 30 September 2019 to the Regulation 18 Consultation, representation ID 19001), CODE considers that the existing scoring (minor negative effect) remains the most appropriate conclusion, due to the distance from the site to the primary school and the likely reliance upon use of a private car to drop off and pick up pupils arising from the site.

4.2 Site SS1044 (land east of Bergholt Road)

4.2.1 The appended map (see appendix 4) demonstrates the revised boundary of the Suffolk Coast and Heaths AONB to the west of Bentley. The conclusions of the JLP-SA do not appear to have considered the potential impacts of the site upon the setting of the AONB and its intervisibility across the Samford Valley.

4.2.2 As a consequence of this, CODE considers that the scoring within the JLP-SA should be amended for site SS1044, to reflect a potential significant negative effect on the AONB. In addition, the potential negative effect on landscape sensitivity should also be amended to a potential significant negative



effect (*"policy-off basis, which means that potential site-specific mitigation was not taken into account"*).

4.3 **Site SS1138 (Land east of Capel Road, Bentley)**

4.3.1 Due to the conclusions of the site assessment contained within the Strategic Housing and Employment Land Availability Assessment, October 2020 (SHELAA), site SS1138 was not considered through the JLP-SA. The SHELAA concluded:

"Site has poor connectivity to the existing settlement."

4.3.2 CODE is aware that the Regulation 14 version of the Bentley Neighbourhood Plan includes a smaller portion of site SS1138 as a draft allocation for 16 dwellings, which has not been assessed within BMSDCs' SHELAA or within the JLP-SA. CODE considers that all reasonable alternative should be assessed within the JLP-SA to ensure that it satisfies the legal requirements of the SEA Regulations (2004).

4.3.3 However, if BMSDC were to consider that revised site area for site SS1138 does not overcome its previous conclusions within the SHELAA, it would be justifiable to exclude the site from assessment within the JLP-SA.

4.3.4 If BMSDC considers it to be appropriate to include the revised site area for Site SS1138 within the JLP-SA's assessment of reasonable alternatives, CODE emphasise the following constraints which may preclude the development of the site:

- There has been no evidence provided to demonstrate that pedestrian and cycle access to Case Lane can be delivered without third party ownership. Furthermore, even if third party rights could be resolved, the adopted highway would need to be extended north along Case Lane to permit cycles to access the site or Footpath 55 upgraded to bridleway (again, this would require third party agreement).
- The fourth bullet point under paragraph 6.16 of the Regulation 14 version of the Bentley NDP states, *"All existing mature trees along the Capel Road frontage and the site boundary planting shall be retained"*. However, paragraph 6.17 states, *"Gaining vehicular access to the site from Capel Road is likely to necessitate the removal of most of the frontage hedge to provide safe visibility, although there is currently a 30 mph speed limit at this point."* This may increase impacts on the surrounding landscape and may also have adverse effects upon biodiversity as a consequence of the removal of the hedgerows. The conclusions of CODE's assessment of the site (see section 5 of this representation, in accordance with the JLP-SA's methodology) should be noted that a minor negative impact is anticipated in this regard.
- The Concept Plan (contained at page 23 of the draft Bentley Neighbourhood Plan) appears to show a continuous pavement east along Capel Road. However, one does not currently exist for a short section along the frontage of the neighbouring property. Again, highway boundary data is



required to ascertain whether a short connecting section of footpath can be achieved. Therefore, CODE considers that the conclusions of BMSDCs' previous assessment within the SHELAA (albeit related to a larger site) remain appropriate ("Site has poor connectivity to the existing settlement"). In addition, this justifies a significant/major negative effect against criteria 2a, due to the difficulty in providing safe access to the primary school within a suitable walking distance.

- In addition, any assessment of the amended boundary of site SS1138 should also consider the extension to the Suffolk Coast and Heaths AONB to the west of Bentley, which has increased the significance of the inter-visibility across the Samford Valley with development on the western side of the village. This should therefore be assessed appropriately within the JLP-SA.

4.4 **Alternative JLP-SA of Bentley reasonable alternatives**

- 4.4.1 Based upon CODE's conclusions above, an alternative sustainability appraisal assessment is included within section 5 of this representation. The scoring is consistent with the methodology applied by LUC. The alternative assessment is important in demonstrating that site SS0820 (land west of Church Road, Bentley) remains the highest scoring alternative within the village.
- 4.4.2 Whilst bus services within the village have been significantly reduced through the withdrawal of service 94, the site at Church Road remains within suitable walking distance of a bus stop which provides access for students to attend Suffolk One. The amended 94 service departs from Bentley War Memorial at 8.44am and arrives in Ipswich at 9.26am (Mon-Fri only). The return service leaves Ipswich at 3.45pm returning to Bentley at 4.23pm.
- 4.4.3 Due to the scoring system applied by LUC in the preparation of the JLP-SA, the distance to existing bus stops has been applied in the alternative assessment of the reasonable alternatives for Bentley. However, if BMSDC considers the assessment for access to public transport should be amended, CODE considers that the site at land west of Church Road, Bentley remains appropriate for allocation, and is the site which remains the highest scoring option within Bentley parish.



5 ALTERNATIVE SUSTAINABILITY APPRAISAL

5.1 In light of the conclusions outlined within this representation, CODE has undertaken a review of the sites presented in the JLP-SA, for Bentley parish. In addition, the revised assessment also includes the revised site area for the previously discounted site on land east of Capel Road, Bentley (site reference SS1138).

5.2 The table below uses the same scoring methodology as the JLP-SA in the assessment of each of the sites, as follows:

++	Significant/major positive effect likely
++/-	Mixed significant/major positive and minor negative effects likely
+	Minor positive effect
+/-	Mixed minor effects likely
-	Minor negative effect likely
--/+	Mixed significant/major negative and minor positive effects likely
--	Significant/major negative effect likely
0	Negligible effect likely
?	Likely effect uncertain
N/A	Not applicable or relevant

5.3 The revised assessment is presented overleaf:



SA objective	Criteria	SS0820: land west of Church Road, Bentley (revised allocation boundary)	SS0820: land west of Church Road, Bentley	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (60 dwellings)	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (30 dwellings)	SS1044: Land south of Station Road and east of Bergholt Road, Bentley	SS1138: Land east of Capel Road, Bentley
1 To improve the health and wellbeing of the population overall and reduce health inequalities	1a GP surgeries	--	--	--	--	--	--
	1b Open space, sport and recreation	++	++	++	++	++	++
	1c Public Rights of Way (PRoW)	++	++	++	++	++	++
2 To maintain and improve levels of education and skills in the population overall	2a Primary schools	++	++	-	-	-	-
	2b Secondary schools	--	--	--	--	--	--
	2c Further and higher education facilities	--	--	--	--	--	--
3 To reduce poverty and social exclusion and ensure access to jobs and services	3a IMD	0	0	0	0	0	0
	3b Settlement hierarchy	-	-	-	-	-	-
	3c Centres of employment	-	-	-	-	-	-
4 To meet the housing requirements of the whole community	4a Housing provision	+	+	+	+	+	+
	4b Barriers to housing and services	++	++	++	++	++	++
5 To conserve and enhance water quality resources	5a Source Protection Zones	-	-	-	-	-	-
	5b Water Resource Zone	-	-	-	-	-	-
	5c WwTW Flow Capacity	+	+	-	-	-	-
	5d Foul Sewerage Network Capacity	+	+	-	-	-	-
6 To maintain and where possible improve air quality and reduce noise pollution	6a AQMAs	0	0	0	0	0	0
	6b Noise	0	0	0	0	0	0
	6c Odour	0	0	0	0	0	0
7 To conserve soil and	7a Brownfield/greenfield land	--	--	--	--	--	--
	7b Agricultural land classification	+	+	--	--	--	--



SA objective	Criteria	SS0820: land west of Church Road, Bentley (revised allocation boundary)	SS0820: land west of Church Road, Bentley	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (60 dwellings)	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (30 dwellings)	SS1044: Land south of Station Road and east of Bergholt Road, Bentley	SS1138: Land east of Capel Road, Bentley
mineral resources	7c Minerals	-	-	-	-	-	-
8 To promote the sustainable management of waste	8a Consumption of materials and resources	?	?	?	?	?	?
	8b Sustainable design and construction techniques	0	0	0	0	0	0
9 To reduce contribution to climate change	9a Transport links	-	-	--	--	--	--
	9b Energy consumption and potential for renewable energy use	0	0	0	0	0	0
10 To reduce vulnerability and increase resilience to extreme weather events and flooding which may be caused by climate change	10a Flood Zones	0	0	0	0	0	0
	10b Surface water flooding	0	-	--	--	0	0
	10c Sustainable design and construction techniques (including SUDS)	0	0	0	0	0	0
11 To conserve and enhance biodiversity and geodiversity	11a Internationally and nationally designated biodiversity assets	0	0	--?	0	0	0
	11b Locally designated biodiversity assets, priority habitats and ancient woodland	-	-?	--?	--	--?	--?
	11c Geological sites	0	0	0	0	0	0
12 To conserve and where appropriate enhance areas and assets of historical and archaeological importance and their settings.	12a Nationally and locally designated and non-designated heritage assets	+	+	-?	0	0	?
13. To conserve and enhance the quality and	13a Landscape sensitivity	0	-	-	-	-	-



SA objective	Criteria	SS0820: land west of Church Road, Bentley (revised allocation boundary)	SS0820: land west of Church Road, Bentley	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (60 dwellings)	SS0395: Land south of Station Road and West of Bergholt Road, Bentley (30 dwellings)	SS1044: Land south of Station Road and east of Bergholt Road, Bentley	SS1138: Land east of Capel Road, Bentley
local distinctiveness of landscapes and townscapes.	13b AONB	+	+	--	--	--	-?
14 To achieve sustainable levels of prosperity and economic growth throughout the plan area	14a Employment deprivation	0	0	0	0	0	0
	14b Employment sites	0	0	0	0	0	0
15 To revitalise the District's town centres	15a Town and district centres	--	--	--	--	--	--
16 To enable efficient patterns of movement and modal shift towards sustainable modes of transport	16a Rail	--	--	--	--	--	--
	16b Bus	++	++	+	+	+	+
	16c Cycling	--	--	--	--	--	--



6 **CONCLUSIONS**

- 6.1 CODE has considered BMSDCs' JLP-SA for its compliance with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
- 6.2 The overall conclusions of the JLP-SA are supported insofar as land west of Church Road is the highest scoring of the alternative sites and therefore preferred for allocation within the BMS-JLP. These representations provide further detail and updates to ensure that the JLP-SA is robust.
- 6.3 An alternative sustainability appraisal assessment is included within section 5 of this representation. The scoring is consistent with the methodology applied by LUC. The alternative assessment is important in demonstrating that site SS0820 (land west of Church Road, Bentley) remains the highest scoring option in respect of the village. The conclusions regarding best and most versatile agricultural land, foul drainage, air quality, access to employment opportunities and archaeology can be revised to reflect positive conclusions.



Appendix 1



Document: Agricultural Land Classification
(ALC) Report

Project: Church Road, Bentley

Reference No.: GN21539_ALC

Date: January 2019

Prepared for: D. E. J. Baker



harrisonenvironmental
CONSULTING



HARRISON GROUP ENVIRONMENTAL LIMITED

Document: Agricultural Land Classification (ALC) Report

Project: Church Road, Bentley

Reference No.: GN21539_ALC

Date: January 2019

Prepared For: D. E. J. Baker

REPORT STATUS:

Revision	Comments	Prepared By	Approved By	Issued By	Audited By
0	First Issue	INIT EO SIGN COMMENTS DATE 10/01/19	INIT SW SIGN COMMENTS DATE 11/01/19	INIT EO SIGN COMMENTS DATE 11/01/19	INIT SW SIGN COMMENTS DATE 10/01/19
1	Change of client	INIT EO SIGN COMMENTS DATE 17/01/19	INIT SW SIGN COMMENTS DATE 17/01/19	INIT EO SIGN COMMENTS DATE 17/01/19	INIT SW SIGN COMMENTS DATE 17/01/19
		INIT SIGN COMMENTS DATE	INIT SIGN COMMENTS DATE	INIT SIGN COMMENTS DATE	INIT SIGN COMMENTS DATE
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CONTENTS

FOREWORD		
1	TERMS OF REFERENCE & INTRODUCTION	1
2	BACKGROUND INFORMATION	3
2.1	Environmental Setting	3
3	INTRUSIVE INVESTIGATION	5
3.1	Introduction	5
3.2	Fieldwork, Monitoring and In-situ Testing Program	5
3.3	Fieldwork Observations	5
3.3.1	Topsoil Conditions	5
4	AGRICULTURAL LAND CLASSIFICATION	12
4.1	Grading and Stoniness	12
4.2	Droughtiness	13
4.3	Soil Chemical Assessment	13
5	AGRICULTURAL LAND CLASSIFICATION (ALC) -SUMMARY	14
REFERENCES		
LIST OF APPENDICES		

FOREWORD

The opinions expressed in this report are based on the ground conditions revealed by the site works and information obtained from desk based research, together with an assessment of the site and of laboratory test results. Whilst opinions may be expressed relating to soil conditions in parts of the site not investigated, for example between exploratory positions, these are only for guidance and no liability can be accepted for their accuracy.

Some items of the investigation have been provided by third parties and whilst Harrison Group have no reason to doubt the accuracy, the items relied on have not been verified. No responsibility can be accepted for errors within third party items presented in this report.

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AGRICULTURAL LAND CLASSIFICATION (ALC) REPORT

for

LAND OFF CHURCH ROAD, BENTLEY

1 TERMS OF REFERENCE & INTRODUCTION

The work covered by this report was undertaken on behalf of D. E. J. Baker. The report is in accordance with a specification by CODE Development Planners (reference 010_002, dated 9th November 2017) Harrison Group Environmental Limited's quotation (GN21539_Q_MR RevA) and separate schedule of rates (GN21539_QR RevA) dated 31st December 2017 and 11th January 2018 with an emailed instruction to proceed from CODE Development Planners dated 31st January 2018. The work was shelved between May 2018 and late December 2018 as it was previously understood that the client was likely to provide this assessment themselves.

The purpose of this report was to undertake an Agricultural Land Assessment (ALC) to support a planning application for the potential development of the arable farm land for residential purposes, along with a school car park. This was carried out using available published documentation in association with an in-situ investigation and soils geotechnical and chemical analysis.

The centre of the site can be identified by National Grid Reference 611255, 237095 and by examination of online resources, the elevation of the proposed residential site (boundaries as shown on drawing GN21539-003a) is estimated at between 37-40m above Ordnance Datum (maOD). Throughout this report the two site areas are denoted "northern" and "southern" fields which can be seen in fig 1.1 and 1.1a below. The site boundaries for the northern and southern fields encompass areas of approximately 1.28ha and 4.8ha respectively.

During the fieldwork (February 2018) the northern field was uncropped due to historic poor yield with the southern field covered with relatively low density stubble of a wheat crop.



Fig 1.1 – Northern Field Looking west (13.02.18)



Fig 1.1a – Southern Field Looking north (13.02.18)

The ground level for the proposed car park area ranged from 33maOD adjacent to Church Road up to 39maOD across the north of the site area (boundary as shown on appended drawing GN21539-DR003a).

This ALC report has been undertaken in accordance with Agricultural Land Classification of England and Wales Guidelines and criteria for grading the quality of agricultural land (MAFF, 1988).

In accordance with MAFF, 1988 agricultural land in England and Wales is graded according to “the degree to which physical or chemical properties impose long-term limitations on agricultural use”. Grading does not necessarily reflect the current economic value of the land.

ALC grades are split into 5 grades (including two subgrades, 3a and 3b). This ranges from Grade 1 (Excellent Quality) where there are no, or very minor, limitations to agricultural use, to Grade 5 (Very Poor Quality) agricultural land restricted to pasture or rough grazing.

Grading is assessed based on limitations imposed by; climatic factors, surface gradient, flood risk, soil limitations (texture and structure, depth, stoniness) and interactive limitations (soil wetness, climatic regime, soil water regime, soil texture, wetness assessment and droughtiness).

As per fig1.1b below the site area is classified (by Defra) as initially grade 2 (Very Good) although areas of grade 3 (good to moderate) and grade 4 (poor) are present in close proximity to the site. This mapping does not differentiate between grade 3a (good) and 3b (moderate) quality agricultural land. These maps are for strategic use only and are not suitable for use in assessment of individual sites (Natural England, 2012). Therefore it is likely that grades between 2 and 4 are present on site.

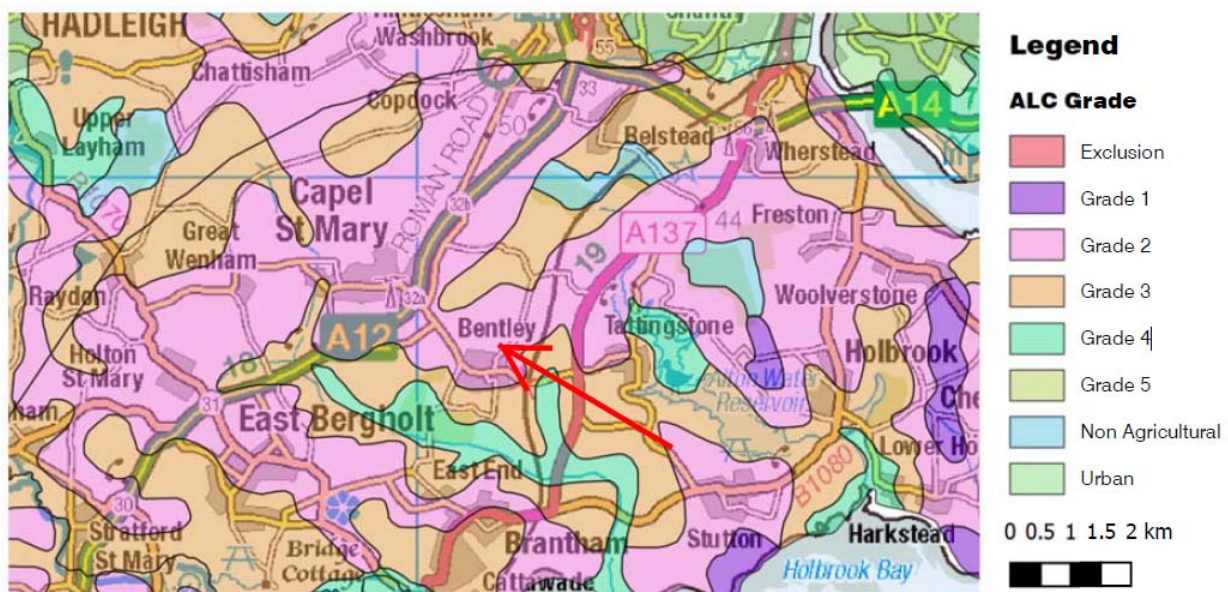


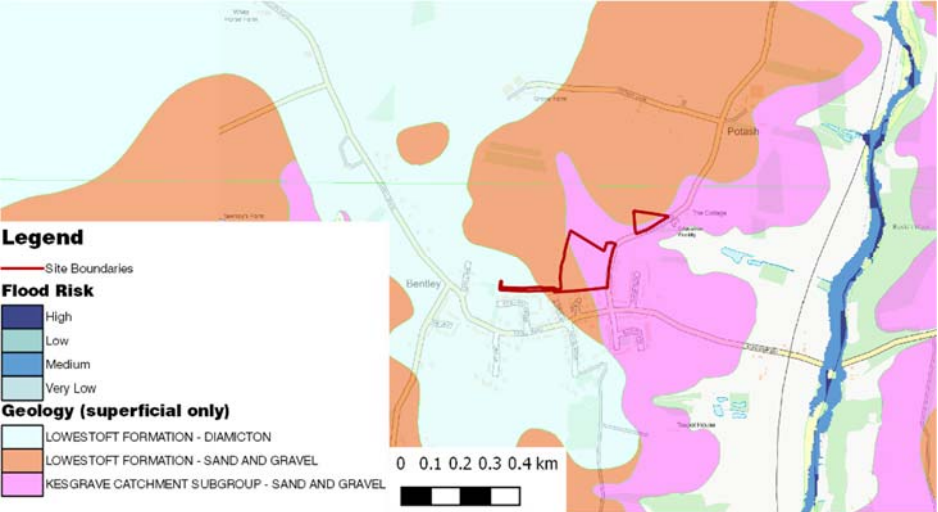
Fig -1.1b Initial ALC Grade Assessment - publications.naturalengland.org.uk - ALC map Eastern Region

2 BACKGROUND INFORMATION

The environmental setting background information (climate, topography, geology, hydrology, hydrogeology, flood risk and database information) have been researched as part of this report, a summary of which is given in the following sections.

2.1 Environmental Setting

Table 2.1, below, gives background information from mapping, online and literature sources.

	Data Source	Data Summary																		
Topography/ Gradient	<p>Google Earth aerial imagery, accessed February 2018.</p> <p>Topographical data provided by the client</p> <p>Historical Mapping from GN21539_SI</p>	<p>The site surface is anticipated as having an elevation of approximately 33m to 40maOD. Approximately 3m high embankments border the southern site boundary rising up onto the proposed car park and residential site areas.</p> <p>As per drawing GN21539-003a surface gradients are generally below 7% indicating no limitation on ALC grade. However, limited areas to the south of the northern field and the north of the southern field increased to between 7% and 11% indicating a ALC grade of 3b. In these areas soil erosion may be more prevalent and access for agricultural machinery is not generally possible. These areas were not shown to be cultivated during the survey being left for pasture.</p> <p>A lower area to the north of the northern site is present due to the historic working of sand and gravel below the site. This has been shown to have been subsequently partially backfilled with waste material and offsite soils containing anthropogenic materials.</p>																		
Geology/Topsoil	<p>1:50,000 BGS Digital Mapping. GN215939-SI May 2018</p> <p>GroundSure GeoInsight Report Reference GS-4719519.</p> <p>BGS Borehole Reference: TM13NW67, TM13NW25.</p> <p>Hydrological map of Southern East Anglia – sheet 2 Chalk, Crag and Lower Greensand: Geological Structure.</p> <p>UK Soil Observatory (UKSO) Viewer and mySoil iOS App Version 3.0</p>	<p>The mySoil app indicates the topsoil comprises sand to sandy loam. These soils are associated with the following information for the surface soils on site.</p> <table border="1" data-bbox="488 891 1382 1153"> <thead> <tr> <th></th> <th>Value</th> <th>Unit</th> </tr> </thead> <tbody> <tr> <td>Soil Temperature (Jan Average)</td> <td>4.68</td> <td>°C</td> </tr> <tr> <td>Soil Temperature (Annual Average)</td> <td>10.86</td> <td>°C</td> </tr> <tr> <td>pH</td> <td colspan="2">Moderately Alkaline</td> </tr> <tr> <td>Topsoil Depth</td> <td colspan="2">Deep</td> </tr> <tr> <td>Topsoil Organic Matter Content</td> <td colspan="2">Low</td> </tr> </tbody> </table> <p>Fig 2.1 – Topsoil Parameters - mySoil</p> <p>The topsoil arises from the underlying parent geology (as shown in fig 2.1a below) which comprises Lowestoft Formation – Sand and Gravel and Kesgrave Catchment Subgroup – Sand and Gravel. Lowestoft Formation – Diamicton (stiff clay) is present to the west of the site. The Diamicton soils are not considered further in this assessment.</p>  <p>Fig 2.1a – Superficial Geology and Flood Risk</p> <p>The Red Crag Formation – Sand was shown to be underlying the superficial deposits, and comprises coarse grained poorly sorted sand with abundant shells. The Red Crag Formation is then underlain by the London Clay Formation and the White Chalk Subgroup of the Upper Cretaceous.</p> <p>The hydrological map of Southern East Anglia shows the depth to chalk bedrock at around 50-60m depth. Nearby borehole records to the south show approximately 4m of Pleistocene Superficial Drift Deposits over Crag Formation down to around 13m depth. These strata were underlain by London Clay Formation to 53m depth whereupon chalk was encountered. Another borehole recorded the chalk at a depth of approximately 51m.</p>		Value	Unit	Soil Temperature (Jan Average)	4.68	°C	Soil Temperature (Annual Average)	10.86	°C	pH	Moderately Alkaline		Topsoil Depth	Deep		Topsoil Organic Matter Content	Low	
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Topsoil Depth	Deep																			
Topsoil Organic Matter Content	Low																			


	Data Source	Data Summary																																				
Flooding	<p>GroundSure EnviroInsight Report Reference GS-4719518. Site Photograph 08/02/2018</p>	<p>There is no risk of flooding on the site from rivers or the sea (as shown in the figure 2.1a above). The closest flood risk areas are shown above associated to a river 329m to the southeast. There is limited potential for groundwater flooding with groundwater shown to stand around 5maOD (approximately 35m depth). As the soils underlying the northern and southern fields are free draining with associated infiltration rates of between 4.6×10^{-6}m and 3.6×10^{-5}m/s no ALC grade limitation in respect to flooding is considered necessary.</p> <p>However, perched water is shown to rest upon the cohesive Diamicton subsoils indicated to the west of the site with several large areas shown to be inundated during the winter months as per the photo below. The client informed us that this water remains in this location through much of the winter months decreasing the ALC grade to a 4 in these areas. However, this pooling was not observed across the on-site areas and therefore no flooding limitation on ALC grade is considered necessary.</p> 																																				
Climate Data	<p>The Met Office, Climatological Data for Agricultural Land Classification</p>	<p>The appropriate climatological data for use in ALC assessment was provided in a dataset compiled by the Met Office in 1989.</p> <p>The table below provides the distance weighted mean of four data points surrounding the site. Considering AAR and ATO no climatic limitation on ALC grade is considered necessary.</p> <table border="1"> <thead> <tr> <th>Dataset</th> <th>Abbreviation</th> <th>Value</th> <th>Unit</th> </tr> </thead> <tbody> <tr> <td>Annual Average Rainfall</td> <td>AAR</td> <td>576</td> <td>mm</td> </tr> <tr> <td>Lapse rate of average annual rainfall</td> <td>LR</td> <td>0.5</td> <td>mm/m</td> </tr> <tr> <td>Average Summer Rainfall</td> <td>ASR</td> <td>285</td> <td>mm</td> </tr> <tr> <td>Accumulated temperature above 0°C - Median Value (January-June)</td> <td>ATO</td> <td>1420</td> <td>day degree C</td> </tr> <tr> <td>Accumulated temperature above 0°C - Median Value (April-September)</td> <td>ATS</td> <td>2444</td> <td>day degree C</td> </tr> <tr> <td>Moisture deficit, winter wheat</td> <td>MDW</td> <td>124</td> <td>mm</td> </tr> <tr> <td>Moisture deficit, potatoes</td> <td>MDP</td> <td>121</td> <td>mm</td> </tr> <tr> <td>Duration of field capacity median value</td> <td>FCD</td> <td>101</td> <td>day</td> </tr> </tbody> </table>	Dataset	Abbreviation	Value	Unit	Annual Average Rainfall	AAR	576	mm	Lapse rate of average annual rainfall	LR	0.5	mm/m	Average Summer Rainfall	ASR	285	mm	Accumulated temperature above 0°C - Median Value (January-June)	ATO	1420	day degree C	Accumulated temperature above 0°C - Median Value (April-September)	ATS	2444	day degree C	Moisture deficit, winter wheat	MDW	124	mm	Moisture deficit, potatoes	MDP	121	mm	Duration of field capacity median value	FCD	101	day
Dataset	Abbreviation	Value	Unit																																			
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Table 2.1: Background Information

3 INTRUSIVE INVESTIGATION

3.1 Introduction

Topsoil inspection was undertaken as part of a ground investigation undertaken during February 2018.

3.2 Fieldwork, Monitoring and In-situ Testing Program

Of the sixteen machine trial pits (TP01 to TP16) that were excavated as part of the geotechnical investigation between 26/02/18 and 27/02/18, nine were closely examined (to 1.2m depth) for the purposes of topsoil assessment. This density of investigation exceeds that recommended by Natural England, (2012). For full details on the trial pits undertaken please refer to the ground investigation report (GN21539_SI). Detailed description of the topsoil encountered is provided in table 3.3.1b below. The topsoil was described in accordance with Hodgson, J, 1997, Soil Survey Field Handbook; Technical Monograph No. 5.

Topsoil in the top 200mm was sampled for the purposes of grading analysis and Total Organic Matter Content (%) by the methods prescribed in BS1377:1990 part 2, clauses 9.2 and 9.4. This allowed for confident texture assessment and consideration of stone content.

Topsoil laboratory test data provided below was gained from boreholes (DCS) undertaken as part of GN21539_SI. Laboratory test data is provided within referenced report.

3.3 Fieldwork Observations

3.3.1 Topsoil Conditions

Topsoil descriptions for each pit are provided in table 3.3.1b below with representative photos provided in table 3.3.1c.

The predominant surface topsoil texture across the site comprised mineral soils ranging from a sand (S) to loamy sand (LS) recovered as fine granular/crumb. Stoniness ranged from slightly to frequently very stony. Stones were fine to medium angular to rounded flints. The soils were very well draining with no evidence of stagnogley layers. Topsoil thickness ranged from 14cm to 32cm, underlain mostly by subsoils with a similar free draining structure with stoniness generally increasing.

TP15 and TP16 along the southern boundary of the southern field differed slightly with a higher clay content in the subsoil layers including sandy silt loams and sandy clay loams. Where identified the sand topsoils are not eligible for grades 1-3a and loamy sands are not eligible for grade 1.

No limitation to grade according to soil depth is made as mineral soils were encountered to the extent of the investigation depth.

Due to the sandiness and high stoniness of the topsoil and subsoil layers the structural condition of these layers have remained relatively good.

A wetness class for each of the topsoil layers (the texture within the top 25cm) has been assessed as 1 (considering an FCD of 101 days, limited or no gleyed horizons or slowly permeable layers).

AP calculations have not been made for TP10 where anthropogenic soils were encountered underlying the first subsoil unit. This is because of the heterogeneous nature of these soils and considered assessment of TAv and EAv (total and easily available water) for this unit not possible.

Total Organic Matter Content (TOC) ranged between 1.3-2.5% indicating mineral soils (as per fig 3.3.1a below).

Photographs of each pit are provided in table 3.4.1c.

¹ Less than 50% sand in the mineral fraction
² 50% sand or more in the mineral fraction

- TP01 - 0.10m ● TP12 - 0.20m
- TP02 - 0.10m ● TP13 - 0.10m
- TP07 - 0.20m ● TP15 - 0.20m
- TP10 - 0.10m ● TP16 - 0.10m
- TP11 - 0.10m

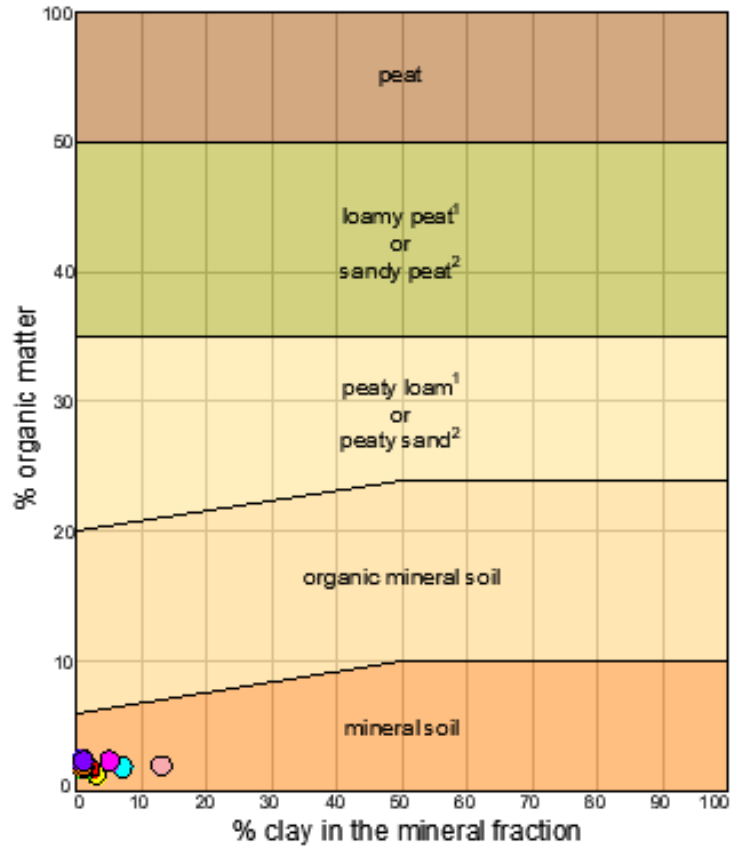


Table 3.3.1a: Topsoil Organic Matter Content

Location ID	Position (NGR, maOD)	Statum (TS-Topsoil, SS-Subsoil)	Depth (m)		Thickness (cm)	Soil Colour	Texture Class	Soil Description	Gley?	Stone Content (%) - Lab Testing or visual assessment	Structural Condition	Wetness Class	Wheat Calculation			Potato Calculation			
			Top	Base		Munsell Code*							TAV/ EAav (%)		AP (mm)	TAV (%)		AP (mm)	
			Stones	Soil		Stones							Soil	Stones	Soil				
TP01	611406.70, 237216.02, 37.81	TS	0	0.3	30	10YR 3/2	cSL	Sandy Loam. Fine crumb/ granular ped. Moderately stony (fine to medium subrounded to rounded flint). Frequent rootlets to 0.2m. At 0.2m biopores at 0.1-0.2m spacing	N	33		1	1	17	35	1	17	35	
		<i>Sharp Change</i>																	
		SS1	0.3	0.43	13	10YR 4/3	LfS	Loamy Sand. Fine granular ped. Very stony (fine to medium subrounded to rounded flint)	N	40	Good			0.5	15	12	0.5	15	12
		<i>Abrupt Change</i>																	
		SS2	0.43	1.2	77	10YR 6/7	LfS	Loamy Sand. Fine granular ped. Very stony (fine to coarse subrounded to rounded flint)	N	40	Good			0.5	13	62	0.5	15	25
TP02	611364.47, 237175.97, 36.71	TS	0	0.32	32	10YR 3/1	cS to LcS	Sand to Loamy Sand. Fine crumb ped. Very stony (fine to medium subrounded to rounded flint. Occasional fine rootlets throughout.	N	36		1	1	18	38			11	23
		<i>Abrupt Change</i>																	
		SS1	0.32	1.2	88	10YR 5/6	LfS	Loamy Sand. Fine granular ped. Slightly stony (fine to coarse subrounded to rounded flint)	N	10	Good			0.5	13	103	0.5	15	51
TP07	611209.73, 237016.30, 39.79	TS	0	0.22	22	10YR 5/3	mSZ L to mSL	Sandy Silt Loam to Sandy Loam. Medium subangular blocky ped size to 0.1m over fine crumb. Moderately stony (fine to medium rounded to subrounded tabular flint). Rootlets to 0.1m.	N	31		1	1	18	28	1	19	30	
		<i>Gradual Change</i>																	
		SS1	0.22	0.46	24	10YR 5/5	ZL	Silt Loam. Very stony (medium subrounded tabular flint)	N	40	Good			0.5	23	34	0.5	23	34
		<i>Abrupt Change</i>																	
		SS2	0.46	1	54	10YR 6/9	LmS	Loamy Sand. Medium granular ped. Moderately stony (fine to coarse subrounded to rounded flint)	N	15	Good			0.5	5	23	0.5	12	25
<i>Abrupt Change</i>																			
		SS3	1	1.2	20	10YR 54	ZhC L	Silty Clay Loam. Coarse blocky ped. Moderately stony (fine to coarse subrounded to rounded flint)	N	15	Good			0.5	12	21	0.5	21	-

Location ID	Position (NGR, maOD)	Statum (TS-Topsoil, SS-Subsoil)	Depth (m)		Thickness (cm)	Soil Colour	Texture Class	Soil Description	Gley?	Stone Content (%) - Lab Testing or visual assessment	Structural Condition	Wetness Class	Wheat Calculation			Potato Calculation			
			Top	Base		Munsell Code*							TA _v / EA _v (%)		AP (mm)	TA _v (%)		AP (mm)	
			Stones	Soil		Stones							Soil	Stones	Soil				
TP10	611546.87, 237232.59, 37.26	TS	0	0.14	14	10YR 4/2	mSL	Sandy Loam. Fine to medium crumb ped. Slightly stony (fine to medium subrounded flint)	N	14		1	1	18	22	1	17	21	
		<i>Abrupt Change</i>																	
		SS1	0.14	0.36	22	10YR 4/3	LmS	Loamy Sand. Medium crumb ped. Moderately stony (fine to medium subrounded flint)	N	20	Good		0.5	12	21	0.5	12	21	
		<i>Abrupt Change</i>																	
		SS2	0.36	0.54	18	10YR 4/3	LmS	Loamy Sand. Mottled 50% with 10YR 5/5. Medium crumb ped. Slightly stony (fine to medium subrounded flint)	N	10	Good		0.5	12	20	0.5	12	20	
<i>Sharp Change</i>																			
		SS3	0.54	1.2	66	10YR 5/4		(Geotech Pit Log) MADE GROUND (slightly gravelly sandy CLAY. Gravel is fine to coarse angular to subrounded flint, asphalt, concrete and rare plastic membrane. Rare subangular flint cobbles present).	N/A Anthropogenic Soils.										
TP11	611409.14, 237172.19, 35.56	TS	0	0.1	10	10YR 3/1	mSL	Sandy Loam. Fine to medium crumb ped. Slightly stony (fine to medium subrounded flint). Frequent fine to medium rootlets	N	24		1	1	17	13	1	17	13	
		<i>Gradual Change</i>																	
		SS1	0.1	0.42	32	10YR 3/1	LmS	Loamy Sand. Subangular blocky and crumb ped. Slightly stony (fine to medium subrounded flint)	N	10	Good		0.5	12	35	0.5	12	35	
		<i>Gradual Change</i>																	
		SS2	0.42	0.7	28	10YR 5/6	LmS	Loamy Sand. Medium crumb ped. Slightly stony (fine to medium subrounded flint)	N	10	Good		0.5	9	23	0.5	12	30	
<i>Gradual Change</i>																			
		SS3	0.7	1.2	50	10YR 6/6	LcS	Loamy Sand. Medium crumb ped. Very stony (fine to coarse subrounded flint and quartzite)	N	56	Good		0.5	7	17	0.5	12	-	

Location ID	Position (NGR, maOD)	Statum (TS-Topsoil, SS-Subsoil)	Depth (m)		Thickness (cm)	Soil Colour		Texture Class	Soil Description	Gley?	Stone Content (%) - Lab Testing or visual assessment	Structural Condition	Weitness Class	Wheat Calculation			Potato Calculation			
			Top	Base		Munsell Code*	TAV/ EAv (%)							AP (mm)	TAV (%)		AP (mm)			
			Stones	Soil			Stones								Soil					
TP12	611137.54, 237051.33, 39.96	TS	0	0.32	32	10YR 5/3		mSL	Sandy Loam. Medium subangular blocky ped to 0.1m over fine crumb ped. Slightly stony (fine to medium rounded to subrounded tabular flint).	N	12		1	1	17	48	1	17	48	
		<i>Gradual Change</i>																		
		SS1	0.32	0.44	12	10YR 5/3		ZCL	Silty Clay Loam. Mottled 50% 10YR 6/6. Subangular coarse blocky peds. Slightly stony (fine to medium rounded to subrounded tabular flint).	Y	10	Good		0.5	21	34	0.5	21	23	
		<i>Gradual Change</i>																		
		SS2	0.44	1.2	76	10YR 6/6		LcS	Loamy Sand. Medium crumb ped. Very stony (fine to coarse subrounded flint and quartzite)	N	40	Good		0.5	7	31	0.5	11	18	
TP13	611289.24, 237054.66, 38.66	TS	0	0.32	32	10YR 5/3		LcS	Loamy Sand. Medium crumb ped. Moderately stony (fine to medium rounded to subangular tabular flint. Occasional rootlets within the top 0.1m.	N	20		1	1	11	29	1	11	29	
		<i>Sharp Change</i>																		
		SS1	0.32	0.44	12	10YR 6/6		LcS	Loamy Sand. Fine granular ped. Very stony (fine to medium subrounded to rounded flint.	N	40	Good		0.5	11	12	0.5	11	8	
		<i>Abrupt Change</i>																		
		SS2	0.44	1.2	76	10YR 7/7		mSL	Sandy Loam. Medium crumb ped. Very stony (fine to coarse subrounded flint and quartzite)	N	28	Good		0.5	13	67	0.5	17	32	

Location ID	Position (NGR, maOD)	Statum (TS-Topsoil, SS-Subsoil)	Depth (m)		Thickness (cm)	Soil Colour		Texture Class	Soil Description	Gley?	Stone Content (%) - Lab Testing or visual assessment	Structural Condition	Wetness Class	Wheat Calculation			Potato Calculation			
			Top	Base		Munsell Code*	TAv/ EAav (%)							AP (mm)	TAv (%)		AP (mm)			
			Stones	Soil			Stones								Soil					
TP15	611134.11, 236982.12, 40.56	TS	0	0.25	25	10YR 5/3		mSL	Sandy Loam. Subangular coarse blocky Peds. Slightly stony (fine to medium rounded to subrounded tabular flint). Rootlets within top 0.1m.	N	9		1	1	17	39	1	17	39	
		<i>Gradual Change</i>																		
		SS1	0.25	0.6	35	10YR 5/4		mSZ L	Sandy Silt Loam. 2% medium 10YR 3/6 Mottles. Subangular coarse blocky peds. Slightly stony (fine to medium rounded to subrounded tabular flint).	Y	10	Good		0.5	19	60	0.5	19	60	
		<i>Abrupt Change</i>																		
		SS2	0.6	1.2	60	10YR 6/6		mSL	Sandy Clay Loam. Subangular coarse blocky peds. Moderately stony (fine to medium rounded to subrounded tabular flint).	N	18	Good		0.5	13	65	0.5	19	16	
TP16	611239.15, 236982.15, 39.74	TS	0	0.38	38	10YR 5/3		mSL	Sandy Loam. Subangular coarse blocky Peds. Slightly stony (fine to medium rounded to subrounded tabular flint). Rootlets within top 0.1m.	N	11		1	1	17	58	1	17	58	
		<i>Gradual Change</i>																		
		SS1	0.38	0.5	12	10YR 6/6		mSZ L	Sandy Silt Loam. 2% medium 10YR 3/6 Mottles. Subangular coarse blocky peds. Slightly stony (fine to medium rounded to subrounded tabular flint).	Y	10	Good		0.5	19	21	21	19	23	
		<i>Abrupt Change</i>																		
		SS2	0.5	0.8	30	10YR 8/7		mSC L	Sandy Clay Loam. Subangular coarse blocky peds. Slightly stony (fine to medium rounded to subrounded tabular flint).	N	10	Good		0.5	14	38	0.5	19	34	
<i>Gradual Change</i>																				
		SS3	0.8	1.2	40	10YR 8/7		mSZ L	Sandy Silt Loam. Subangular coarse blocky peds. Moderately stony (fine to medium rounded to subrounded tabular flint).	N	10	Good		0.5	13	47	0.5	19	-	

*Topsoil colour adjacent to munsell code is an approximate conversion to sRGB colour space. Actual colour may vary.

Table 3.3.1b: Topsoil Data and Assessment





Table 3.3.1c: Trial Pit Photographs (Topsoil)

4 Agricultural Land Classification

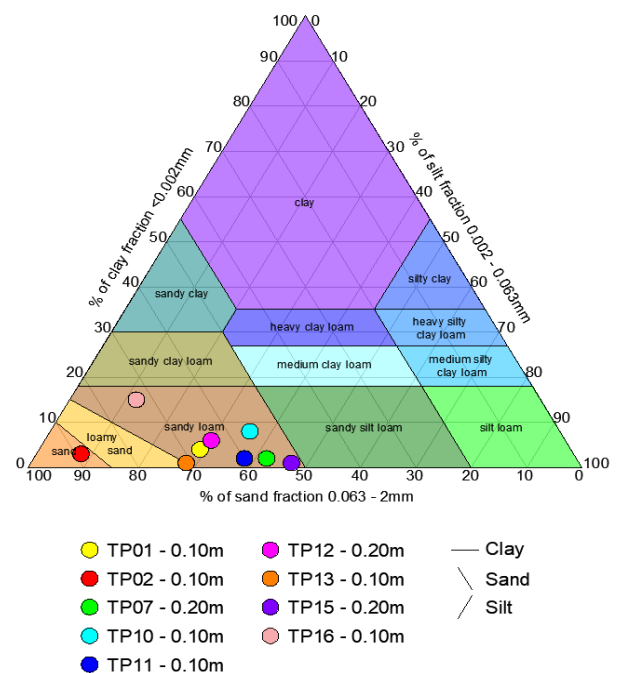
4.1 Grading and Stoniness

Soil grading analysis was undertaken as part of GN21539-SI in accordance with B.S.1377, “Methods of Test for Soils for Civil Engineering Purposes” part 2, clauses 9.2 and 9.4. A summary of the results in topsoil are summarised in table 4.1 below.

Particle Size (mm)		Results (Range)
Cobbles	>63	0.0%
Gravel	2-63	9.2 - 36.4%
Sand	0.063-2	39.0 - 65.5%
Silt	0.02-0.063	4.6 - 42.0%
Clay	<0.002	1.0 - 12.8%

Location ID	% stones >2mm	ALC Grade according to stoniness
TP01	33	3a
TP02	36	3b
TP07	31	3a
TP10	14	2
TP11	24	3a
TP12	12	2
TP13	20	3a
TP15	9	2
TP16	11	3a

Table 4.1: Grading Analysis (Topsoil)



The stoniness of the soils across the southern site at TP13, TP07 and TP16 limit the grading to 3a. An increased stoniness content across the northern field limits the grading further to a 3b.

4.2 Droughtiness

Soil droughtiness is a limitation to crop growth in areas with low rainfall or high evapotranspiration. It indicates the drought risk based on the soil properties, climatic factors and the moisture content requirements of the plants grown (wheat and potatoes).

Droughtiness is calculated based on the average soil moisture balance (MB) at the site location (provided in table 4.2 below). This is calculated by the crop-adjusted available water capacity (AP) of each soil profile within the crop rooting zone. For further details on the calculation steps please refer to MAFF(1988).

East Anglia is one of the drier regions of the county with irrigation needed across large areas, usually with water abstracted from the underlying chalk aquifer. The sandy permeable nature of the topsoils, subsoils and underlying superficial geology leads to poor retention of water in the rooting zone and therefore mostly negative moisture balances as shown below. Grading according to droughtiness therefore indicates generally moderate quality agricultural land of grades (grade 3b) rising to 2 along the very southern boundary of the southern field where increased moisture retention is possible in the two underlying subsoil units.

As mentioned above it was not possible to provide an accurate assessment of the MB at TP10 due to the “made ground” anthropogenic soils found beneath the topsoil layer. However, due to the granular nature of these soils it is likely that moisture retention in these soils would be poor and a low ALC would be generated similar to that of those at TP01 and TP02.

A single moisture balance of -52mm was calculated at TP13 (ALC grade 4) which is slightly lower than the limit for 3b. As this is a single and only slightly exceedance it is considered that an overall ALC grade limitation of 3b is assigned for droughtiness.

Location ID	Wheat - AP (mm)	Wheat Moisture Balance, MB (mm)	Potato- AP (mm)	Potato Moisture Balance, MB (mm)	Grade According to Droughtiness
TP01	109	-15	72	-49	3b
TP02	141	17	74	-47	3b
TP07	106	-18	88	-33	3b
TP11	88	-37	78	-43	3b
TP12	113	-11	89	-32	3b
TP13	108	-16	69	-52	4
TP15	163	39	115	-6	2
TP16	163	39	115	-6	2

Table 4.2: Doughtiness Grade Assessment

4.3 Soil Chemical Assessment

The chemical composition of the soil does not affect ALC grading where this can be maintained through application of fertilisers although certain compounds can be phytotoxic. However, land cannot be graded higher than 3b if considered to be unsuitable for growing crops for human consumption.

As part of GN21539-SI four samples of the topsoil (from DCS01,03,05 and DCS12) were submitted to a UKAS/MCERTS accredited laboratory for a general suite of analytes (HSS6) including As, Cd, Cr (Total and VI), Cu, Ni, Zn, Pb, Hg, Se, B, pH, TOC, TPH 8 Band, PAH USEPA16, asbestos screen (with ID where found).

Topsoil at six locations (DCS01, 03-05, 07 and DCS10) were assessed for pH which identified a range of 6.3-8.1%.

Report GN21539-SI assessed that no elevated concentrations of contaminants were encountered that were considered potentially harmful for human health.

As described in British Standard BS3882:2015 'Specification for Topsoil' copper, nickel, and zinc are phytotoxic and could therefore inhibit plant growth especially during initial planting. The maximum concentrations of these contaminants observed in the shallow soils (as shown in table 4.3) were therefore compared against the screening criteria in BS3882. Adopting a general pH value of 7 or above, screening values for nickel, copper and zinc are 110 mg/kg, 200 mg/kg and 300 mg/kg, respectively. As the maximum concentrations of these determinants are significantly lower than these screening criteria, the phytotoxic risk posed to vegetation is not considered to be significant and therefore place no limitations on ALC grading.

Determinant	Unit	Maximum recorded concentration (or range)	BS3882 Screening Criteria (mg/kg)	Exceeded?
Copper (aqua regia extractable)	mg/kg	17	110	No
Nickel (aqua regia extractable)	mg/kg	8.3	200	No
Zinc (aqua regia extractable)	mg/kg	39	300	No

Table 4.3: Summary of Geotechnical Laboratory Testing.

5 Agricultural Land Classification (ALC) -Summary

The topsoil and subsoil conditions across both the north and southern site areas contain a high sand and gravel content linked to the characteristics of the underlying parent materials (sands and gravels) of the Kesgrave Subgroup and Lowestoft Formation.

These free draining characteristics are the main limiting factors for the ALC grade for stoniness and droughtiness (grade 3b). Surface gradient also increasing over 7% reduces the ALC to 3b in some limited areas as shown in appended drawing GN21539-DR003a. The ALC limitations are provided in table 5 below.

Limitation	ALC Grade
Gradient	No site limitation with small areas of 3b
Flood Risk	No site limitation (Grade 4 to the west of the site)
Surface Topsoil Texture	Generally not eligible for grade 1. One location not eligible for grades 1-3a
Topsoil Depth	No limitation
Chemical	
Wetness	
Stoniness	3a across the southern site, reducing to 3b across the northern field
Droughtiness	Generally 3b rising to 2 along the extreme southern boundary of the southern field.

Table 5: ALC Grade Limitation Summary

Based on the combination of stoniness, droughtiness and gradient it is concluded the areas across both sites are associated with **ALC subgrade 3b**.

MAFF, 1998 describes Subgrade 3b as "moderate quality agricultural land". This is "Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year".

Report prepared by:



Ed Orchin BSc (Hons) FGS
Senior Geotechnical Engineer

Report checked and audited by:



Stephen Williams BSc (Hons) FGS AIEMA
Managing Director

REFERENCES

BS5930:2015, 'Code of Practice for Ground Investigations'.

MAFF. 1988, 'Agricultural Land Classification of England and Wales. Guidance and criteria for grading the quality of agricultural land

Met Office, 1989 'Climatological Data for Agricultural Land Classification'

Natural England, 2012, 'TIN049 Agricultural Land Classification: protecting the best and most versatile agricultural land'

Soil Survey of England and Wales, 1976 'Soil Survey Field Handbook. Technical Monograph No.5'

LIST OF APPENDICES

Fieldwork Location Plan

GN21539-DR003a



Appendix 2





Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 03456 066087, Option 1 or email planningliaison@anglianwater.co.uk

AW Site Reference: 143887/1/0074962

Local Planning Authority: Babergh District

Site: Land West Of Church Road Bentley Ipswich
Suffolk IP9 2BT

Proposal: Outline Planning Application - Erection of up to 45 dwellings, pupil drop-off and pick-up for primary school, and shared foot/cycle path and access

Planning application: DC/19/00291

Prepared by: Pre-Development Team

Date: 23 December 2019

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Bentley Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.



Appendix 3

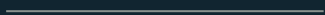




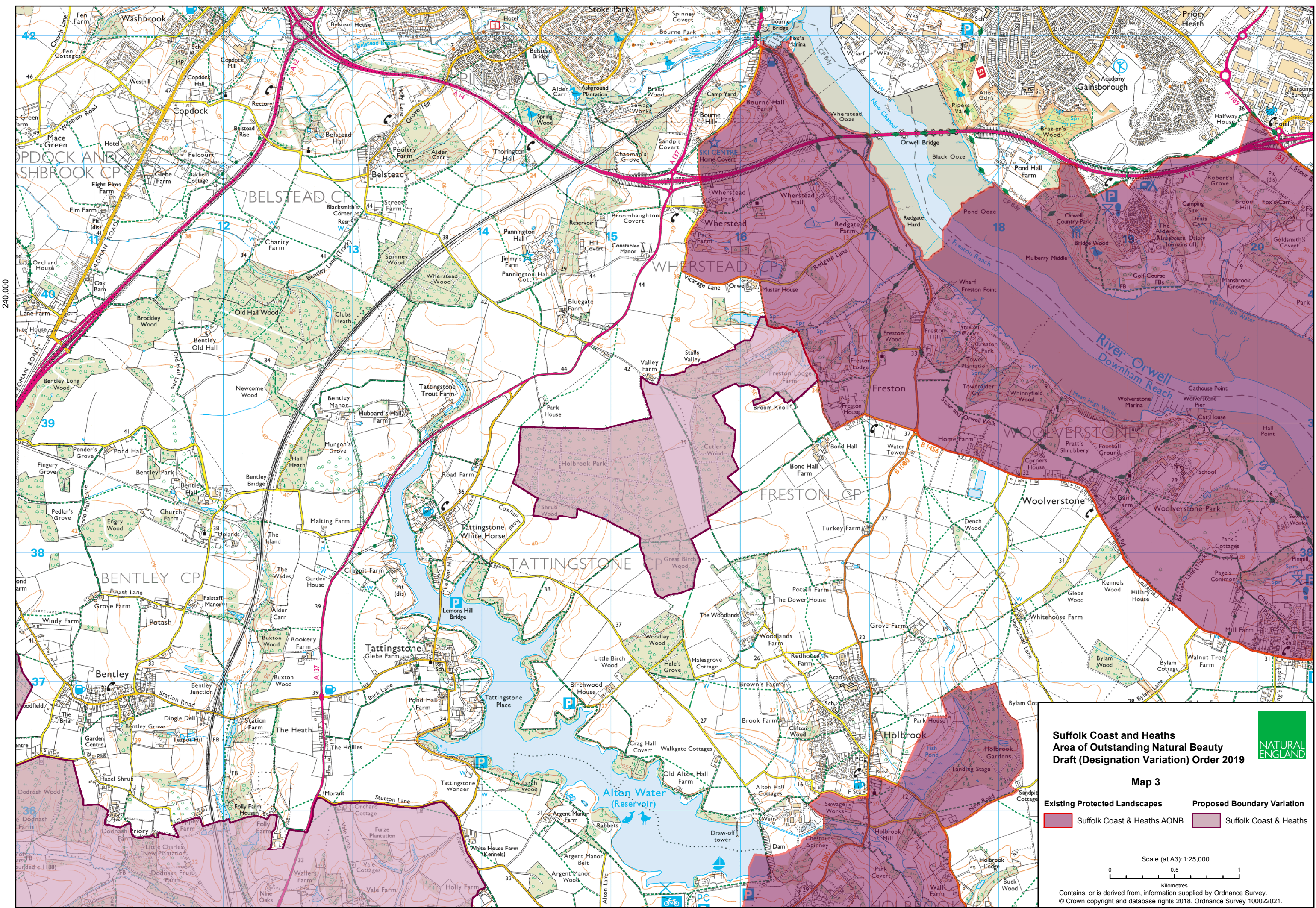


Figure 6. Interpretation plot of magnetometer anomalies



Appendix 4







Suffolk Coast and Heaths
Area of Outstanding Natural Beauty
Draft (Designation Variation) Order 2019

NATURAL ENGLAND

Map 3

Existing Protected Landscapes **Proposed Boundary Variation**

 Suffolk Coast & Heaths AONB  Suffolk Coast & Heaths

Scale (at A3): 1:25,000

0 0.5 1
 Kilometres

Contains, or is derived from, information supplied by Ordnance Survey.
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240,000

620,000



Appendix 5



Miss H Adcock
CODE Development Planners
17 Rosemary House
Lanwades Business Park
Kentford CB8 7PN

The Black Barn
Lubards Farm
Hullbridge Road
Rayleigh
Essex
SS6 9QG

24th February 2020

Phone 01268 783377
Fax 01268 783388

www.whirledgeandnott.co.uk

Dear Helen

Land west of Church Road, Bentley – application reference DC/19/00291

We have considered the detail of the planning submission made in respect of the land at Church Road, Bentley and the comments from the planning officer made on the 18th February 2020 in respect of the proposed phasing condition.

In order for the officers and members to give context to our considerations I thought it may be helpful if I set out some brief highlights of the experience of the Development Team of Whirledge & Nott.

- During 2019, Whirledge & Nott's agency team has transacted £115 million of land sales in Essex and Suffolk on behalf of clients.
- These sales account for 1,645 plots and cover a complete range of size of sites from our smallest in 2019 of 8 units up to larger sites.
- Myself as Head of Development and my Development Director both came from house building backgrounds. I was at Countryside Properties for 10 years and Matthew Gill (our Development Director) has over 17 years' experience working for house builders including Weston Homes, Taylor Wimpey, Bellway Homes and Crest Nicholson. Bringing this house building experience to our agency work we believe gives us a unique skill, we fully understand the technical elements that house builders consider and seek to reduce risk through the marketing process.
- We currently hold a database of over 200 active developers which include SME's, local, regional and national house builders.

If planning permission was granted with phasing conditions as proposed by your letter to Babergh District Council dated 17th February 2020, we would regard this as being a commercially viable planning permission that would particularly gain interest from SME's and local builders.

In reaching this opinion we have taken into account the known and likely infrastructure delivery costs associated with the development as referenced in the planning application documents. The demand of new housing sites is exceptionally strong at this moment in time which has been fuelled by a stable market following the election result.

There would be a number of ways the marketing could be approached to ensure that the objectives of the landowner and the house builder interest were aligned particularly in respect of the phasing. In summary we would approach the marketing in one of the following ways:

- a. Disposal of Phase 1 and Phase 2 separately, with Phase 2 being brought to the market as a fully serviced site once Phase 1 had been completed and occupied.
- b. Disposal of the Phase 1 and incentivising the house builder through the purchaser of Phase 1 being granted a 'pre-emption' (in other words a first right) to purchase Phase 2.
- c. Disposal of the whole, with the house builder accepting the development would come forward in phases.

If the landowners' objectives were purely based on maximising the return our recommendation would be to drive a sale under strategy a. We understand though that the landowner's objectives are not based purely on maximising return and that due to his family being part of the local community, respecting local character and the design of the new homes are also important factors.

Based on these wider objectives a further advantage of strategy (a) would be that we could focus attention on SME's and local builders who specialise in smaller developments. In our opinion they approach schemes with a very different design philosophy which seeks to ensure designs reflect local character which adds value both to the area and to the house builder.

We would acknowledge that should the developer of Phase 1 be required to install the infrastructure for the wider site that this could have a degree of an impact on cash flow and impact the initial receipt for the landowner but not to the extent that it would make it commercial unviable. The landowner would also have the right to accept land payments on deferred terms which would help to reduce any impact on the house builder's cash flow.

The value of Phase 2 would be enhanced as it would be a fully serviced site and so the landowner would recoup any impact of value on phase 1 through the phase 2 sale. Through the technical tender process, it is likely that some elements of infrastructure would be sized and designed for the wider scheme, but allow for an element of phased delivery. For instance, the surface water drainage basin could be designed for the total storage required, but would be implemented in a phased approach with the initial basin being enlarged at a later date once further capacity for phase 2 was required. The roads and services could also be delivered on a phased basis. We do not envisage a difficulty or impact on viability in the combined foot/cycle path and associated biodiversity buffer along the southern extent of the site, from Church Road on the eastern boundary to the parish council playing fields in the west, being delivered as part of Phase 1 as these wider benefits will benefit phase 1 equality as phase 2.

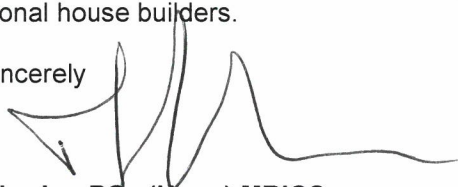
Should the disposal follow either strategy b or c, then the house builder has control over the whole site and so can still apply the infrastructure costs over the total number of units consented, albeit ensuring their build programme reflected the phasing condition. Driving a marketing strategy under b or c would widen the interest to include regional house builders, there would in our opinion be limited interest from national house builders.

In summary we do not see any grounds for the planning officer presenting an argument to members that a phased planning condition makes the scheme commercially unviable.

If anything, a phased approach could increase interest from certain sectors of the market which is more aligned with their wider objectives and gives the landowner alternative marketing options.

Even if the site was granted with no phased condition, we may still recommend to the landowner that the site in this location is marketed in phases to enhance value and meet client objectives through 'niche' house builder interest who are less focussed on return on capital and have lower profit margins compared with the regional and national house builders.

Yours sincerely



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