

CHILTON PARISH COUNCIL

Clerk: Dave Crimmin, Cragston, Sudbury Road, Newton, Sudbury, Suffolk CO10 0QH
Tel: 01787 375085 email: chiltonpc@btinternet.com

4th July 2017

Development Management
Babergh District Council
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Dear Mr Elvin

Planning Application B/15/01718 Chilton Woods Mixed Use Development, Land North of, Woodhall Business Park, Sudbury Re-advertisement - Outline application (with all matters reserved except for access) - Erection of up to **1,150 dwellings** (Use Class C3); **15ha** of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network); village centre (comprising up to 1,000m² Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.

The following are the objections of Chilton Parish Council to the above application for outline planning permission (with all matters reserved except for access).

Rather than file a further separate objection we have updated this letter (original dated 22nd March 2016) dealing with our previous objections to include our objections under the second consultation. Those objections are dealt with in separate paragraphs in a different font for ease of reference. We also deal with our objections to the transport and ecology.

The following definitions are used throughout these objections:

Chilton Parish Council:	hereafter CPC
Babergh District Council:	hereafter BDC
Suffolk County Council:	hereafter SCC
Amec Foster Wheeler:	hereafter Amec
Chilton Woods Place Shaping Group	hereafter CWPSG
The Application Site:	hereafter the Site or the proposed development
Section 106 agreement proposed to be entered into in relation to the Site:	hereafter Section 106 Agreement
Environmental Statement:	hereafter ES .

CHILTON PARISH COUNCIL

1 The role of SCC

- 1.1 We together with Great Waldingfield PC and Long Melford PC expressed our concerns to the then leader of SCC and the leader of BDC in our letter of 13 January 2015 about the way in which these parish councils were being involved as to the design and strategy relating to the proposed development. Our concerns remain about the way in which SCC have approached this planning application and we remain unclear as to their intent. CPC have willingly participated in the Place-shaping Group but we were unhappy with the way in which the Group functioned as explained in our letter of 13 January. Accordingly, reference to how SCC's engagement with this Group has shaped the masterplan are disappointing when only an "Illustrative masterplan" has been produced. Our concerns and dissatisfaction remains that this process has been used to constitute consultation with the community when throughout the process at no time did SCC make it clear that they were not intending to use the feedback of the parishes and consultees to inform a Masterplan to support the planning application but rather that only a bare outline application would be made. Our representatives on that Group were suspicious that this might occur but answers to our questions were not provided. We therefore consider that SCC have not properly complied with community consultation as the material gained from the discussion is only used to support an "Illustrative masterplan". As the applicant SCC is a local authority and not a commercial developer seeking to exploit land for maximum financial gain, we would expect this application to be conducted with more transparency about SCC's intentions. As an example, members of the Place-shaping Group were told that we would be consulted about the transport assessment and travel plan details **before** the application was made. That did not occur although now a meeting took place on 7 March 2016, some weeks after the actual application had been filed.
- 1.2 CPC record their disappointment also that SCC refused to contribute to the financial costs of their and other parish councils obtaining specialist advice on a number of technical areas such as traffic. CPC are considering instructing specialist advisers once all the information is complete and will file further submission.
- 1.3 We appreciate SCC are trying to realise financial gain from the Site but in doing so CPC submit they should take account of the views of the local community. We question whether this is the right way for SCC to conduct themselves as a local authority and request that BDC ensure that full detail is provided for this outline planning application.
- 1.4 SCC also has a conflict of interest in its position as landowner and quasi-developer seeking outline planning permission and as the executive dealing with highways, archaeological, ecological and other development aspects. Given those several roles its transparency in dealings is very important.
- 1.5 We remain very dissatisfied with the way in which SCC has conducted this application. It is regrettable that SCC have ignored or failed to take into account our concerns and those of other objectors in this second consultation. CPC appreciated having the opportunity to meet with SCC and their advisers to explain further our concerns but are disappointed that those concerns have still not been taken into account. Further, despite us and CWPSG being told by SCC advisers that there would be further general meetings to discuss the scheme in particular traffic / transport issues, none have taken place.
- 1.6 Policy CS4 provides that "BDC is committed to working co-operatively with partners to bring forward and deliver the CW scheme in a timely way. This will include joint action to overcome a potential key development issue around electrical power supply in the Sudbury area and its likely impact on development viability." As it currently stands the

CHILTON PARISH COUNCIL

application materials contains no evidence about the action taken to overcome the development issue around the electrical power supply and its impact on development viability.

2 The outline application

- 2.1 CPC object to the above description of the development for which bare outline permission is sought as it is unspecific and general. It needs to be more detailed which is entirely consistent with it being an outline application. There is less information and detail in the outline application description above than there is in Policy CS4. Given that the application is supported only by an "Illustrative masterplan" SCC are creating a developer's charter which is considered by CPC to be unacceptable.

3 "Illustrative masterplan"

- 3.1 This application is deficient in that no Masterplan has been filed in support of this application as is required under policy CS4. This application is accompanied only by an "Illustrative Masterplan" for the development. There is no obligation on SCC or any developer to carry out the development in conformity with the "Illustrative Masterplan". Therefore, there is no certainty about how this development will look and what could be put forward at reserved matters stage could be completely different from what is said in the supporting documents for this outline application. A number of our parishioners, without specialist advice or knowledge of planning matters, have been misled by this application to believe that the "Illustrative masterplan" is what the development will consist of and look like.
- 3.2 Amec commented at the meeting on 7th March 2016, in response to a question why their application was so unspecific, that having paid a fee of £125,000 it was now up to BDC to set out what they required from SCC and that the application could be controlled by the imposition of conditions. CPC consider it is preferable however that SCC should commit to a Masterplan, as required under CS4, containing sufficient detail and clarity to establish at least the land use and development mix, in particular to establish where the employment and housing areas will be and the mix, size, appearance and layout of those areas.
- 3.3 Accordingly, CPC object that all matters are reserved except for access and consider that BDC should require as part of this outline application that SCC provide more detail and commit to:
- appearance;
 - layout;
 - scale; and
 - landscaping details

rather than all those matters being reserved for future development. Illustrative details and broad parameters for these matters are unacceptable.

- 3.4 Our objections to the lack of a masterplan are maintained. The revised illustrative master plan is of no value as it remains illustrative. CPC's objections therefore remain as stated above. The applicant now seeks approval for land use parameters. This is being submitted without any further consultation with the Parish Councils affected or CWPSG. CPC object to the key land use parameters as that should not be approved

CHILTON PARISH COUNCIL

without there being an agreed masterplan. The applicant is seeking to avoid an obligation which is clearly imposed by CS4. BDC should not allow this to happen.

4 The Environmental Statement

- 4.1 Accordingly, because of “the illustrative details and broad parameters” there is a fundamental flaw in the accompanying ES as it bases its assessments only on the “illustrative mix” chosen by SCC. Therefore, the predictions supporting this application e.g. as to traffic, levels of employment, housing mix, visual impact, drainage and noise are all estimates and uncertain. This in CPC’s view does not constitute sustainable development and is contrary to BDC’s policies CS4 and CS15.
- 4.2 Also, SCC have failed in the ES to analyse the possible environmental impacts on the worst case basis. As far as we can tell the assessments have been done only on the basis of their suggested illustrations. Therefore, in a differently constituted scheme the environmental impacts could be significantly more detrimental than the examples chosen to illustrate this application. This in CPC’s view fails to conform with the required procedures under the Environmental Impact Assessment Regulations (England) 2011.
- 4.3 Our objections remain as above.

5 Viability

- 5.1 The viability assessment for the application appears to be an Affordable Housing Viability Statement (File B) from Deloitte’s Real Estate dated 10 December 2015. That document states:

“The outline planning permission and masterplan enables a comprehensive development of homes, employment uses, community woodland, village centre in response to the requirements of the Babergh Core Strategy”

Deloitte states that their work to date shows:

“There are viability challenges, particularly regarding what level of affordable housing is achievable and how the upfront infrastructure costs to release the employment land can be met once planning permission is in place.”

- 5.2 CPC and other parish council have had concerns since the outset about the viability of the scheme. At the hearing before the Planning Inspector Deloitte’s and SCC assured him that the proposed development was viable. There is scant information provided as to viability in this application. In view of the above statement the clear inference is that the proposed scheme is not viable.
- 5.3 BDC policy CS19 Affordable Housing Supplemental Document (BDC 2014) requires 35% affordable housing provision. At page 42 of the Planning Statement Amec refer to the 35% affordable housing provision as “unlikely to be achievable given the potential impact this could have on the viability of the proposed development”. The proposed scheme therefore appears contrary to BDC policy CS19 and as viability evidence is required under BDC policy CS4 it also is contrary to that provision. Variables affecting viability are also referred to on page 42 of the planning statement including

“the

- 2 cost and timing for delivery key infrastructure alongside the proposed development;

CHILTON PARISH COUNCIL

- 3 cost of the upfront infrastructure involved in opening up access to the employment land;
 - 4 cost of managing and maintaining open spaces, community woodland and other community facilities;
 - 5 the delivery of homes as early as possible to generate revenue and profit which will help towards points 1, 2 and 3 ...”
- 5.4 No detailed appraisal or any additional information has been provided as to viability despite SCC statement that it would be provided and requests for this being made. Evidence as to viability is crucial to this application. The applicant's failure to produce evidence supporting viability reinforces our view that the scheme is not viable. Two developers have already pulled out because of non-viability. Before this application proceeds to the BDC planning committee detailed information as to viability **MUST** be produced as required under BDC policy CS4. The proposed scheme still appears contrary to BDC policy CS 19 as it still appears that 85% of the housing units will be private housing and 15% affordable housing.

6 Phasing of the development

- 6.1 CPC objects strongly to certain elements of the proposed phasing. All the phasing is predictive and uncertain - see “*approximately*”, “*it is likely*”, “*it is assumed*” and “*approximate uses*”. This development was originally intended to be a standalone “*garden town*” in a community woodland. CPC object very strongly to there only being initial landscaping and community woodland in phase 1. The access arrangements for the construction of the phases have not been clarified within the application. However, it is welcomed that within the indicative construction phasing for the residential and employment areas, contained in the ES Addendum, that the Western Access road will be completed in Phase 1. BDC must make the Western Access road the access for all construction traffic for the duration of the development and ensure that the Construction Management Plan enforces the requirement for all HGV traffic to be routed directly to and from Bury St Edmunds via the A134. To route construction traffic through Aubrey Drive and Reynolds Way from 2019 to 2035 in order to construct the residential units while the Site is being developed is unacceptable. If outline planning permission is to be granted then a planning condition needs to be imposed which requires that the Western Access road is built before any other development work starts and that all construction traffic must use the western access road only.
- 6.2 The primary school nursery along with the village hall/community facilities need to be developed early in phase 1 rather than waiting until more than half the site is developed. We are advised by our District Councillors that schools in the Sudbury area are already oversubscribed. The need to transport children from the development to local school should be kept to the minimum because that will also have an adverse impact on traffic. Further from our review of the supporting documents we have not found that the ES covers construction traffic levels or noise and impact on air quality. We consider this is a deficiency in the application and should be remedied.
- 6.3 Of particular concern to CPC is that the phasing envisaged by SCC could easily result that the phase 1 housing is built and the rest of the site is not built out, including the community facilities and playing pitches. So that what occurs in effect is an urban extension to Sudbury

CHILTON PARISH COUNCIL

by 40% of the residential units being built and some employment at the western end of the site being built out. This would be the worst result.

- 6.4 We will deal with the traffic mitigation measures when we deal with the traffic assessment.

7 Employment

- 7.1 BDC policy is that development should be "jobs led". CPC object to the illustrative nature of the employment provisions. At present the Illustrative masterplan provides for 61,650 m sq of employment floor space comprising 18% B1A and B uses, 35% B2 uses and 47% B8 uses. The material provides only an indicative footprint and does not fix location or layout. CPC consider this unacceptable. This indicative mix is used to support an alleged "*potential to provide up to approximate 2,125 jobs*". Due to the uncertainty of construction and occupation and because warehousing and storage as a use type provide low levels of employment for the size of the site utilised we submit that the claim is for job creation should be treated with caution and not accepted at face value.
- 7.2 Whilst not committing themselves to this mix of employment uses SCC nonetheless use this mix to base certain of their impact assessments on e.g. noise, traffic, visual impact. The layout, appearance and usage should be determined at this outline stage. We consider the B2 use is too high and heavy industry is incompatible with nearby residential development. We query the amount of floor space allocated to warehousing which is well known to be the lowest generator of employment. If outline permission were to be granted as sought by SCC with no specificity as to the extent of use as to the various use classes, as at present the only definition is of "*16.4 ha of employment land to include B1, B2 and B8*", on that basis, with such a wide unspecific definition, there could be 15.2 hectares of B2 development alone. Therefore CPC request BDC to ensure at outline stage that there is specificity about the mix of uses, their location and the layout of the area.
- 7.3 SCC have not revised their proposal for the western employment area except to reduce it to accommodate Heritage England objections. CPC remain opposed to the proposed general allocation of land usage at this time particularly to the B2 and B8 allocations because as currently worded the whole area could be allocated to B2 or B8. CPC agree and adopt Councillor Frank Lawrenson's points made in his letter of 22nd June 2017 about the proposed uses being inconsistent with BDC and SCC views as expressed in the Suffolk Growth Strategy. As currently envisaged the proposed construction period is very long but there is no element of future proofing in these proposals which there should be.
- 7.4 Such a large percentage of land allocated to warehousing storage and distribution seems also inconsistent with paragraph 4.31 of the Babergh Local Plan Alteration Number 2 Policy EMO8 states although proposals for warehousing, storage and distribution will be permitted at General Employment areas this is to be:

"Subject to the acceptability of the location and characteristics of these sites "and "proposals that take up an excessive amount of land or are more appropriately located elsewhere, for example reports of close it to trunk roads, will be refused".

8 Housing

- 8.1 We consider that the development should conform to policy CS4 and provide for up to 1050 new dwellings. We do not agree that "approximately 1,050" new dwellings covers up to

CHILTON PARISH COUNCIL

1,150. There is no material supporting the increased numbers in the application. We query whether the indicative dwelling mix is accurate given that the population of Suffolk is ageing. SCC defer any provision for sheltered accommodation to a separate planning application on some future date. However, if such is something which is actively envisaged now then it should be included in the outline application and the housing mix altered accordingly.

- 8.2 As presently proposed CPC consider that the outline application fails to comply with policy CS19 on affordable housing.
- 8.3 There is no justification or explanation for the increase in housing units by a further 50. CPC object to the increased number. Historic England did not propose an increase in housing units.

9 Transport and Travel Plan

- 9.1 In CPC's first response to the Transport and Travel Plan on the 22nd March 2016, it concluded that *"As the material in support of this application on these issues are not complete we will defer our comments to a separate submission once we have had an opportunity of considering the full documentation."*
- 9.2 On the 8th April 2016 SCC, as the Highways Authority, submitted its response to the Transport Assessment which also included a Technical Note TA01 from its consultant AECOM dated 16th March 2016, which provided technical comments on the TA and summarised the note as follows:

"This note provides initial observations on the December 2015 TA produced by Amec Foster Wheeler in support of the Chilton Woods development. The note identifies a number of key areas of concern, information requirements and areas subject to further review:

- *Use of alternative residential trip rates;*
- *Inconsistencies and errors in the development of the flow diagrams provided;*
- *Requirement to provide raw 2015 traffic survey data;*
- *Requirement to provide AutoCAD plans of access and junction improvements;*
- *Provision of relevant swept path analysis;*
- *Provision of relevant LINSIG models; and*
- *Concerns relating to the suitability of the proposed junction mitigation proposals based on initial overview.*

This is not an exhaustive list and will be subject to further discussions with SCC officers, in particular relating to the phasing strategy and triggers, and further analysis based on the requested additional information to be provided by the applicant."

CHILTON PARISH COUNCIL

- 9.3 On the 27th June 2017, one day following the close of the public consultation on the planning application, SCC Highways Authority submitted their 2nd response to the Transport Assessment in which they stated:

"The issues raised by our consultants, AECOM (in March 2016), have **been partially covered** by additional information considering the mitigation in more detail, in further Technical Notes and by an updated analysis of the accident data. Discrepancies in the trip rates **are unlikely to result in a significant change** to the traffic effects on the local highway network. Some issues with the Technical Notes have been considered in detail but it is concluded that **they provide a reasonable analysis of the capacity of the proposed mitigation**. There is **no separate consideration of the safety of the proposed mitigation** but this issue will be dealt with by the detailed design process. The applicant has stated that Stage 1 Road Safety Audits will be provided before the date of the committee meeting."

- 9.4 CPC consider that this response falls below what should be expected from the Highways Authority when reviewing a Transport Assessment for a development of this scale. The Transport Assessment baseline testing was agreed as 2024 when it was envisaged that the development would commence in 2016. However, with Amec now proposing the start of development in 2019 and being complete by 2035, the 2024 baseline testing is not acceptable as it does not comply with Department for Transport 'Guidance for Transport Assessment 2007'.
- 9.5 This application is to determine the access requirements for the construction traffic and the subsequent residential and employment traffic of up to 1150 dwellings and 15ha of employment development on the Chilton Woods site. For the Transport Assessment and Technical Notes not to have sufficient detail for the Highways Authority consultant AECOM to provide an update on its concerns of the 16th March 2016 is disturbing. It leaves the community around the proposed development site with little confidence in the Transport Assessment proposals provided to date.
- 9.6 To expand further on the Transport Assessment, at a meeting the applicant held with County, District, Town and Parish councillors on the 7th March 2016 to discuss transport issues with the proposal, Amec promised to hold a further meeting with the group to discuss all the issues raised. To date, this promise has not been fulfilled.
- 9.7 CPC still consider that the material in support of this application on the Transport and Travel Plan is not complete and CPC will defer its comments to a separate submission once the councillors have had the opportunity of considering the full response from SCC Highways Authority and its consultants AECOM.

10 Section 106 Agreement

- 10.1 The draft heads of terms relating to a future Section 106 Agreement need considerable work. Currently the heads of terms are deficient as there are several planning obligations missing e.g. a capital sum for the supply and installation of the community woodland. Policy CS4 provides for BDC to cooperate with CPC and other parish councils. We have already asked to be involved in the negotiations on the Section 106 Agreement. CPC considered it particularly important that there is a final form of Section 106 Agreement to go before any

CHILTON PARISH COUNCIL

Planning Committee in consideration of this application for outline permission rather than the Section 106 being negotiated after planning permission has been granted since in such circumstances BDC are at a negotiating disadvantage.

10.2 As the parish council most affected, CPC is frankly aggrieved that there has been no consultation or liaison with us about the proposed Section 106 provisions. CPC regard this as a continuing breach by SCC to conform with their duty to cooperate under CS4. Indeed, another failing is that SCC did not even provide the information about the Section 106 proposals with the revised application but instead chose to provide it only some nine days before the consultation period closed. This has the detrimental effect that interested parties would only have a limited time to consider it and those who had already responded may not have seen it. Mr McManus's letter of 15 June on behalf of SCC is seriously deficient in that it fails to require any financial provision by way of Section 106 funding for any of following:

- Community woodland and green landscaping
- The Community Centre and the community facilities generally
- The sports pavilion
- The sports pitches
- The children's play areas
- Mitigation measures for the historic environment;
- Ecological mitigation measures.

Section 106 provision must be made for the above listed facilities in particular the community woodland and the Community Centre otherwise the proposed development will not conform to local or national planning policy. CPC fear that otherwise this application will result in a development in Chilton but without the "Woods" nor any of the facilities which were intended to make it a standalone integrated community. Unless appropriate Section 106 obligations are imposed it is obvious any future developer will not want to fund these two crucial features. It is becoming increasingly clear to us that as the proposed development is apparently not viable SCC now appear to want to develop an urban housing extension to Sudbury of approximately 500 houses with no investment in infrastructure.

11 The community facilities and the sport pitches

11.1 It is important to CPC that the community facilities are located within the Chilton parish boundary. There is no provision for this in the outline application and this should be remedied. With regard to the design of the village hall and the village green from the outset CPC have given feedback that this should be an integrated unit and not be separated by a busy road. The village green should be in front of the village hall rather than car parking. The Parish Council maintains that the sports pavilion and sport pitches should also be located closer to the village centre to assist its financial viability, not where located on the illustrative master plan or the land use parameters map. CPC consider that the community facilities and the sport pavilion layout and location should be dealt with in the outline application and not left over for reserved matters when these facilities could be proposed to be located elsewhere. With regard to the sports pitches at least some of them should be located near the village

CHILTON PARISH COUNCIL

hub otherwise CPC consider that people using them will not spend time in the village centre or make retail purchases. A village pub overlooking the village green and sport pitches would be preferable. It is regrettable that SCC continued to ignore the wishes of the community and to locate the sports pavilion and the sports pitches elsewhere without any cogent justification for their proposed location.

12 Drainage

- 12.1 The proposed drainage strategy is complicated and there are a number of constraints imposed on proposed development. The drainage strategy is “a *high level solution for accommodating the proposed development aspirations*”. A combination of SuDS techniques would be encouraged such as:
- permeable paving in the residential zones;
 - sub-surface storage tanks in the employment zone;
 - swales and ditches; and
 - ponds to assist in attenuation.
- 12.2 “*Certain areas of the development could result in large quantities of silty runoff which needs to be filtered out to ensure that downstream receiving watercourses/sewers are not subjected to a build-up of such material*”. There appears to have been discussions within SCC as to the appropriate drainage strategy. Amec and SCC recognise that “*Discussions with key stakeholders have been high level and preliminary only at this outline planning stage. Prior to constructing any new development, further liaison is recommended with the key stakeholders which in turn may lead to the need to carry out further survey work and investigation*”.
- 12.3 CPC remains unconvinced that this preliminary drainage strategy is sufficient to cope with the topography and runoff from this Site. For the purposes of the outline application, before any permission is granted, CPC consider that SCC needs to provide further detailed information as earlier developers such as Redrow found that the existing sewerage system could not cope with the increased outflow that would be caused by the land use changing from agricultural to more impermeable surfaces. Further, we do not consider this drainage strategy complies with the requirements of the Environmental Impact Assessment Regulations (England) 2011.
- 12.4 SCC advisers have revised the drainage strategy in the light of EA revised climate change allowances. However, that drainage strategy is still based on the masterplan which in AMEC own words “*is in any event in outline and illustrative*” and “*based on a number of assumptions and we know that a detailed drainage strategy will need to be in place prior to future applications for reserved matters to be dealt with by a planning condition (s).*”
- 12.5 The drainage of the site is an important issue and affects its viability. To have such an important issue again based on a number of assumptions is a fundamental flaw in this application.
- 12.6 The Ministerial Written Statement (MWS) made by the then Secretary of State for Communities and Local Government on 18 December 2014 provided that when considering a major development (of 10 dwellings or more) sustainable drainage systems should be provided unless demonstrated to be inappropriate. Further the MWS also provides that, in considering planning applications:

CHILTON PARISH COUNCIL

"local planning authority should consult the relevant lead local flood authority on the management of surface water, satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate"

- 12.7 These requirements were effective from 6 April 2015. CPC submit that in the light of the vague nature of the current drainage strategy BDC as the LPA are not able to satisfy themselves as to the appropriateness of this proposed drainage strategy for this development and so outline permission should be refused. To date there are no clear arrangements in place for ongoing maintenance over the lifetime of the development. Further whilst in paragraph 3.9 of the drainage strategy SCC recognise that for the ongoing maintenance of any SuDs either itself, Anglian Water or BDC will adopt (part or in combination). In such case "the developer will need to pay commuted sums for SuDs maintenance as part of the section 106 agreement." However, the letter from SCC (McManus 15 June 2017) dealing with Section 106 obligations does not provide for a Section 106 obligation for drainage nor is there a calculation of a commuted sum. The maintenance of SuDs is important to the effectiveness of any drainage system.

13 Ecology, Historic Sites and ES

13.1 Ecology

CPC referred to Suffolk Wildlife Trust letter of 23 June 2016 where they require planning conditions to be imposed with approved landscaping plans and mitigation matters which need to be secured. SCC letter of 15th June makes no provision for Section 106 funding for these elements see page 8 para 8 but leaves this to BDC. If outline planning permission is to be granted BDC needs therefore to ensure that there is adequate condition imposed and sufficient Section 106 funding is provided for these measures.

- 13.2 CPC also object to the way in which the green spaces and community woodland areas are allocated in the illustrative masterplan.

13.3 The historic environment.

CPC comment on the harm to Chilton Hall and the Registered Park and Garden as both are located within our parish. The Registered Park and Garden is one of only five such gardens in Suffolk. The Registered Park and Garden is listed in both the national register and in the local Suffolk list. We refer to the addendum to the environmental statement dated May 2017 recently filed by AFW and in particular to Appendix A: Technical Note: Historic Environment at page 3 section 3.

Paragraph 126 of the National Planning and Policy Framework provides that

CHILTON PARISH COUNCIL

"Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats... And that local planning authorities should take into account:

- 1. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- 2. the wider social, cultural, economic and environmental benefits of conservation of the historic environment can bring;*
- 3. the desirability of new development making a positive contribution to local character and distinctiveness;*
- 4. opportunities to draw on the contribution made by the historic environment to the character of a place."*

Policies CP14, 15, 16 and 17 are all of relevance in relation to paragraph 126 above and of importance in relation to the illustrative masterplan. CN15 refers to preserving and enhancing the character of registered parks and gardens. Historic England in their letter of 10 February 2016 expressed concerns about the setting of the Registered Park and Gardens being adversely affected. CPC agree with Historic England that this application falls short of the desire to "sustaining and enhancing the significance of heritage assets and that the illustrative master plan does not consider fully the "positive contribution to conservation of heritage assets can make to sustainable communities."

AFW state that the existing tree screening will remain in place but as SCC do not own the land on which the existing tree screening along Waldingfield Road is situated they are not in a position to commit to this. The existing tree screening along Waldingfield Road is already thin and porous especially in winter. We consider it needs to be strengthened.

The land known locally as "Birdland", which used to be included in the CW application but no longer is, is we understand currently in pre-consultation discussions about its own planning application for housing. However, CPC has no information about it.

Also, permission B/16/01406 has recently been granted by BDC for five houses at Chilton Grove which property is situated opposite the Registered Park and Garden and the entrance drive to Chilton Hall.

CPC understand also that it is planned to develop the land adjoining the Birdland land, currently being an orchard, also for housing. We have no information about that application either.

As these applications are being brought forward by applicants other than SCC it is obviously sensible that these applications should not be considered piecemeal and separately but they should be considered together with this application so that the

CHILTON PARISH COUNCIL

effect on local residents and parishioners, the traffic impacts and the natural and historic environment is in total known and evaluated properly.

Accordingly, a planning condition and Section 106 funding for additional landscaping and screening is required for the protection of the Registered Park and Garden.

14 Essential pre-requisites to a fair consideration of this application

14.1 BDC cannot give proper consideration to the application, nor arrive at a safe determination of its acceptability, unless Members of the Committee have before them, supported by clear advice of Officers, a proposal which is accompanied by the following documents, which have been in the public domain and made available for detailed scrutiny and consideration by interested parties:

- A comprehensive set of proposed planning conditions regulating the development; and
- Detailed Heads of Terms spelling out the required Section 106 planning obligations.

14.2 The very outline nature of this application, devoid of much content (other than material which illustrative in its status), combined with the assumed build-out period, which on the Applicant's own assumption is with a start in 2016 (sic), and completion by 2031, reinforces the importance of this point.

14.3 It would be irresponsible for the planning authority to reach a determination in this case without those matters having been covered comprehensively and with great care.

15 The legal obligation to provide relevant Section 106 and Section 278 material

15.1 In this context, it is appropriate to remind BDC and the Applicant of the legal obligation contained in Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which imposes a duty on each local planning authority in the following terms:

3) Part 1 of the register [of planning applications] must contain in respect of each application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of...

b) a copy (which may be photographic or in electronic form) of any planning obligation or Section 278 agreement proposed or entered into in connection with the application.

15.2 If no such drafts of proposed obligations or Section 278 agreements is yet available, CPC formally requests that full unredacted copies of each version of such draft be made available to it forthwith on their presentation to the planning authority.

CHILTON PARISH COUNCIL

- 15.3 It is self-evident that this development proposal will have a huge impact on the immediate environment and surrounding area. It quite simply will not do for the Local Planning Authority and the County Council (which doubles up as the landowner and applicant) to seek to negotiate and conclude these arrangements behind closed doors, when at its most basic the planning system is required to function in the public interest on behalf of those most substantially affected by the development.

16 The risk of appearance of bias

- 16.1 The fact that SCC is both landowner and highway authority, and stands to benefit financially to a significant extent if this development is permitted to proceed, should of course cause the planning authority and the applicant to make every effort to ensure that there is no appearance or perception of bias or unfairness in the decision-making process.
- 16.2 CPC suggests that this would cause both the applicant and BDC to be at pains to demonstrate that every opportunity has been provided to interested parties, including this Parish Council, to engage fully in the substantive content of the development proposal.
- 16.3 Without full participative involvement in the proposed planning conditions and planning obligations debates, we invite both applicant and planning authority to indicate how they can demonstrate that this has been adequately done.

17 Adequacy of the substantive planning application content

- 17.1 Having considered the full set of application materials, the Parish Council observes that this is an application in such outline and illustrative form, devoid of much specific content, as to pose questions and invite scrutiny on whether a safe determination can be made at all. Indeed, on a fair reading of the application materials it is fair to pose the question whether this application is in essence an application for permission in a more detailed outline application than is proposed here remains the only appropriate procedure.
- 17.2 Because the Environmental Impact Assessment undertaken is parasitic on the illustrative substantive content of the application, it follows that the EIA material submitted is itself in places of questionable value and appears to us to be in need of being supplemented by additional content.
- 17.3 This ties back to the point made earlier about the imperative of fully scoped out and consulted upon planning conditions and obligations.

18 Section 106 obligations to benefit the Parish Council

- 18.1 Because the Chilton Woods site is allocated a strategic site in policy, and is for that reason zero-rated for CIL, the mitigation of impacts resulting from the scheme must necessarily be addressed by means of Section 106 planning obligations.

CHILTON PARISH COUNCIL

18.2 As such, by virtue of CIL Reg 122(2) a planning obligation made in respect of Chilton Woods:

may only constitute a reason for granting planning permission for the development if the obligation is-

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

18.3 There are a number of mitigations considered to be of critical importance to the Parish of Chilton which are considered to fulfil all three of those requirements, with demonstrable ease, and which must accordingly be provided for in full in any Deed of Planning Obligations given by the landowner and binding on all successors in title. In particular, we draw attention to the following:

- A Village Hall for the Parish
- Funding for Communities Facilities
- Funding for the community woodland and green spaces
- Sports Pitches, and funding for their subsequent maintenance and upkeep.

18.4 The correspondence passing between the Applicant, its consultants, and the planning authority covers a range of issues proposed to be encompassed in Section 106 obligations, but is devoid of any (or any sufficient) indication of what is being proposed for the benefit of the Parish. In light of the comments made above, this is highly regrettable. The local community is being asked to pay a very high price indeed if it is to accommodate development on anything approaching this scale. It is also notable that Appendix A to the Planning Statement submitted with the application in December 2015 indeed makes reference to (inter alia) contributions for the provision of a Village Hall and for its maintenance; the provision of sports recreation and pavilion facilities and other features to benefit to immediate locality. The Applicant consultants appear to take the view that benefits offered to the local Parish can be omitted or reduced to a minimum, insofar as one can infer what is being offered from the exchanges of correspondence available in the public domain. The Applicant must be called upon to give a full account of its position here.

19 Chilton Parish Council as a signatory to Section 106 planning obligations

19.1 CPC formally requests that it be offered a place at the negotiating table to ensure that it is permitted to play a full part in settling and concluding the Section 106 planning obligations. This would minimise the risk of the planning authority and the applicant falling into legal error through the inadequacy of public consultation, the insufficiency of engagement with the local community and other circumstances such as may give rise to legal vulnerability.

CHILTON PARISH COUNCIL

- 19.2 CPC will expect that the belts of strategic planting and green spaces which are plainly considered, even on the wholly inadequate application materials, to be necessary to make the development acceptable in planning terms, be transferred to the Parish Council together with commuted maintenance payments, in order to ensure that the local community is in a position to take control of the maintenance of these areas.
- 19.3 There are quite simply too many examples of developments which at application stage portray a vision of utopian benefits which, through the passage of time, the evolution of thinking, and varying levels of willingness to see through on promises, lead to an end result which falls lamentably short of the vision portrayed in the application.
- 19.4 That must not be allowed to happen here. The only way in which the County Council can assure the Parish of this will be to ensure that the relevant land is given over to the control of the Parish, and sufficiently funded far into the future.
- 20 For the reasons set out above, CPC object to the proposed development and ask the Planning Committee to refuse consent for the outline application.**

Yours sincerely



Dave Crimmin MILCM
Clerk, Chilton Parish Council